



**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, 21ST 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](mailto:PLANNINGSERVICES@RCTCBC.GOV.UK) BY 5PM ON TUESDAY, 19 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 22.02.24**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 22.02.24.

**5 - 8**

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

### **5. APPLICATION NO: 23/1194**

Proposed development of 14 affordable dwellings, sustainable drainage, parking and associated works.(Revised site layout, soft landscaping proposals, Landscape Specification & Management Plan, Green Infrastructure Statement, Habitat Management Plan and Species Mitigation Strategy received 22nd February 2024)

**SITE OF FORMER RHIWGARN COUNTY INFANTS SCHOOL,  
WAUN WEN, TREBANOG, PORTH, CF39 9LX**

**9 - 26**

### **6. APPLICATION NO: 23/1294**

Part change of use from offices (B1 use class) to a gymnasium (D2 use class)

**FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS**

**27 - 38**

### **7. APPLICATION NO: 23/1444**

Demolition of existing buildings and proposed development of 4 no. residential dwellings and 4 no. flats, landscaping, bat roost mitigation, bin store, bike store and associated works

**THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE,  
CF44 0UT**

**39 - 64**

**8. APPLICATION NO: 24/0017**

Single storey and two storey extension  
**20 PINEWALK DRIVE, GLYNFACH, PORTH, CF39 9NL**

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**INFORMATION REPORT**

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

To inform Members of the following, for the period 26/02/2024 –  
08/03/2024

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

**73 - 82**

**10. URGENT BUSINESS**

To consider any items which the Chair 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 hybrid meeting of the Planning and Development Committee held on Thursday, 22 February 2024 at 3.00 pm at Council Committee Room, 2 Llys Cadwyn, Taff Street, Pontypridd, CF37 4TH.

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 Committee Room :-**

Councillor W Lewis (Chair)

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

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

Councillor J Bonetto    Councillor A Dennis

**County Borough Councillors in attendance: -**

Councillor M Norris    Councillor J Cook  
Councillor R Davis    Councillor S Evans

**Officers in attendance: -**

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

**204    WELCOME & APOLOGIES**

Apologies for absence were received from County Borough Councillor S Emanuel, S Rees and M Powell.

**205    DECLARATION OF INTEREST**

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

**206    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.

### **207 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.

### **208 MINUTES 25.01.24**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 25.01.24.

### **209 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.

### **210 APPLICATION NO: 23/0404**

**Change of use of garage into hair salon. 34 DAVIS STREET, ABERAMAN, ABERDARE, CF44 6UR**

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

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

### **211 APPLICATION NO: 23/1335**

**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. 134 TURBERVILLE ROAD, PORTH, CF39 0ND**

Non-Committee, Local Member County Borough Councillor R Davis

spoke on the application and put forward her concerns and objections in respect of the proposed certificate of lawfulness.

The Head of Major Development and Investment presented the application to Committee and following consideration Members were minded to refuse the grant of a certificate of lawfulness as Members were of the view that the change proposed would amount to a material change of use as it will be operating as a business 24 hours a day rather than a family home with staff working in shifts and coming and going to the property.

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

## **212 APPLICATION NO: 23/0549**

**Replacement of the bridge structure. (Otter Report Rec. 20/07/23) (Updated Preliminary Ecological Assessment, Bat Surveys, Invasive Species Survey, Preliminary Ground Level Tree Assessment and Arboricultural Impact Assessment Rec. 24/01/24) FEEDER PIPE BRIDGE OFF TRAM ROAD, TREHARRIS, CF46 5EF**

The Head of Planning outlined the content of a 'late' letter received from Merthyr Tydfil County Borough Council confirming no objection to the application.

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

## **213 APPLICATION NO: 23/1019**

**Development of listed building into 5 residential dwellings. FORMER STABLES, HEOL TY ABERAMAN, ABERAMAN, ABERDARE**

The Head of Planning / The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to defer the determination of the application to a future meeting of the Planning & Development Committee to allow Officers the opportunity to provide more information.

## **214 APPLICATION NO: 23/1281**

**First floor extension to create extra office space (Amended plans received 14/12/2023). SBM CAR SALES, MAIN ROAD, TON-TEG, PONTYPRIDD, CF38 1PW**

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.

**215 APPLICATION NO: 24/0073**

**Solar panels to roof of splashpad building. ABERDARE PARK, GLAN ROAD, GADLYS, ABERDARE**

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.

**216 APPLICATION NO: 23/0679**

**Change of use from bed and breakfast to 11-bedroom House in Multiple Occupation (HMO) use (Amended Plans received 01/12/2023), Central House Guest House, Stow Hill, Treforest, Pontypridd, CF37 1RZ**

The Head of Planning presented the application which was originally reported to Committee on 25<sup>th</sup> 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 reason set out in the further report.

**217 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 29/01/2024 – 09/02/2024.

**This meeting closed at 16:00**

**Councillor W Lewis  
Chair.**



## PLANNING & DEVELOPMENT COMMITTEE

21 March 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1194/10 (GH)  
**APPLICANT:** RHA Wales  
**DEVELOPMENT:** Proposed development of 14 affordable dwellings, sustainable drainage, parking and associated works. (Revised site layout, soft landscaping proposals, Landscape Specification & Management Plan, Green Infrastructure Statement, Habitat Management Plan and Species Mitigation Strategy received 22nd February 2024)  
**LOCATION:** **SITE OF FORMER RHIWGARN COUNTY INFANTS SCHOOL, WAUN WEN, TREBANOG, PORTH, CF39 9LX**  
**DATE REGISTERED:** 22/02/2024  
**ELECTORAL DIVISION:** Cymer

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

**REASONS:** The development would make use of brownfield land at a sustainable location and within settlement limits.

The scale, design and layout of the development would be appropriate to the setting, would support the provision of new housing to meet local needs and, being located in a residential area, would be a sympathetic neighbouring land use.

No detriment to highway safety has been identified and the development has evidenced that it would be capable of delivering a biodiversity net benefit.

Therefore, the application has demonstrated compliance with Planning Policy Wales 12 and the Local Development Plan.

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

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

#### **APPLICATION DETAILS**

Full planning consent is sought for the construction of fourteen dwellings on the site of the former Rhiwgarn Infant's School at Waun Wen, Trebanog.

The affordable housing development would provide the following accommodation:

- 2 x one-bed apartments (59.0 sqm)
- 4 x one-bed houses (59.2 sqm)
- 6 x two-bed houses Type 1 (88.7 sqm)
- 1 x two-bed house Type 2a (84.9 sqm)
- 1 x two-bed house Type 2b (84.9 sqm)

Each property would be provided with amenity space, either in the form of an enclosed garden or a terrace, together with storage and/or space for household waste and recycling.

The site would be accessed from Waun Wen to the east, with the dwellings arranged around the vehicular access and turning head within which fifteen parking spaces and soft landscaping would be laid out.

Due to the considerable fall in level to the west of the site, this area would remain undeveloped and maintained as a green landscape. For the benefit of residents, the area would be accessible by a series of steps and also accommodate a shallow-sided SuDS basin.

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

- Preliminary Ecological Appraisal (PEA)
- Site Investigation Report
- Landscape Specification and Management Plan
- Design and Access Statement
- Travel Plan
- Transport Statement
- Pre-Application Consultation (PAC) Report
- Green Infrastructure Statement
- Habitat Management Plan
- Species Mitigation Strategy

## **SITE APPRAISAL**

The application site, which incorporates a surface area of around 0.59 hectares formerly accommodated Rhiwgarn Infants School. These comprised low level buildings of a 1950s/60s design together with associated parking play areas, and green space.

The site has since been cleared and on its eastern side now comprises areas of hardstanding and slab where the buildings once stood. This part of the site is roughly level with the adopted highway Waun Wen and nearby housing, from where pedestrian and vehicular access was gained.

Conversely, the western half of the site has not been previously developed, probably due to the very steep westerly fall down towards the dwellings which located on the A4233 Trebanog Road. This land is covered with dense scrub and a number of trees.

This site is both within the defined settlement boundary and part of a Registered Landscape of Outstanding Historic Interest in Wales. A small part of the site also falls within land designated as development high risk due to coal mining legacy, and includes areas identified as having the potential for contamination.

## **PLANNING HISTORY**

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

**22/5079/41:** Pre-application advice. Decision: 30/08/2022, Raise No Objection.

**22/0351/23:** Prior notification of demolition of former school buildings. Decision: 14/04/2022, Grant.

## **PUBLICITY**

The application has been advertised by direct notification to thirty-one 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 31st October 2023 identifying that the proposal constitutes Major Development.

No letters of objection or representation have been received.

## **CONSULTATION**

### Highways and Transportation

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

### Flood Risk Management

No objection.

### 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 the Construction Method Statement sought by a separate condition.

Due to previous land uses Public Health and Protection has recommended a condition requiring the undertaking of a site investigation for contamination.

### Natural Resources Wales

No objection, subject to a condition for a CEMP.

### 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 ensure compliance with the submitted species and habitat plans and to ensure that neither Prunus Laurocerasus or Alnus Cordata are used as part of the soft landscaping scheme.

### The Coal Authority

The Coal Authority's Planning & Development Team notes the recommendations of the Site Investigation Report; that further investigations into possible shallow coal mining legacy are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

### South Wales Police

South Wales Police has been included in the design of this development since the concept stage. A number of discussions were held and changes made and it can be confirmed that the submitted planning application meets the relevant Secured By Design standards.

### Housing Strategy Team

The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2022/37, and 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 Trebanog

**Policy CS1** - Development in the North: sets out the strategy approach for the Northern Strategy Area of the County Borough. The focus of the strategy seeks to build strong, sustainable communities, including the provision of high quality affordable homes and the re-use of previously developed sites.

**Policy CS4** - Housing requirements: sets out the housing requirement figure for the plan period in sustainable locations, to include a combination of brownfield and greenfield sites.

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

**Policy AW1** - Sets out how the housing requirement figure will be met during the plan period. This will include the development of unallocated land within the settlement boundaries of smaller settlements and via the provision of affordable housing.

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

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.
- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the Principal towns and key settlements and smaller settlements.

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

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

**Policy AW6** - Supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals

must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

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

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

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

**Policy NSA11** - Affordable housing: seeks the provision of at least 10% affordable housing on sites of 10 units or more, which might include on or off-site provision, or a financial contribution.

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

### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements
- 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 18: Transport.

Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application site is located in the Northern Strategy Area, on land at the former Rhiwgarn Infants School, Waun Wen. The proposed development is for 100% affordable housing. The site is within the defined settlement boundary in accordance with LDP Policy NSA12.

Policy CS1 promotes the reuse of under used and previously developed land and buildings and the proposal also complies with national guidance, which promotes the redevelopment of previously used land in preference to Greenfield sites.

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

The minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.59 hectares, resulting in a net residential density of approximately 24 dwellings per hectare. Although this falls below the threshold set out by the policy, this is understandable, given that the western part of the site is constrained and not practically developable.

Since all of the dwellings would meet the definition of affordable homes, the minimum provision of 10% affordable housing required in order to comply with Policy NSA11 would easily be exceeded. The Council's Housing Strategy team has advised that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment.

The site is within the defined settlement boundary and in addition to the Rhiwgarn Stores immediately to the north of the site would be a short walking distance from a range of services and facilities within the small retail centre of Trebanog, The site would also be accessible by sustainable transport modes including bus, foot and bicycle, with the nearest train service being located at Porth.

In terms of Policy AW2 the foregoing means that the site can be considered a sustainable location and its development would be compatible with surrounding land uses.

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 DQR standards and has demonstrated that it could deliver a biodiversity net benefit.

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

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

The proposed development would provide fourteen dwellings of a mostly conventional appearance, set around a new cul-de-sac, parking area and landscaping.

Elevations would comprise face brickwork under pitched and tiled roofs, and with the exception of plots 9 to 12 the properties would incorporate horizontal bandings of contrasting brick colours to the ground floor for visual interest. Given the elevation and exposed nature of the site, the use of brick is sensible solution rather than render.

All properties would be no greater than two-storey in height and being sited in five small clusters or pairs would therefore be comparable in form to the scale and massing of the existing development to the north and east.

Although the western, lower part of the site is undeveloped green space and would remain as such under the proposed housing development, that adjacent to Waun Wen is currently a combination of hardstanding and the slabs of the former school buildings.



These are set behind a scruffy wall, rusty gates and Heras fencing, all of which create a sense of dereliction.

The redevelopment of the site is therefore welcomed and it is considered that the proposed housing would contribute greatly to the enhancement of the street scene.

### **Impact on neighbouring occupiers**

The application site is located in a residential area where the proposed development would be sympathetic, in principle to the surrounding land uses. However, the key concern is understanding whether the new properties would have a detrimental impact on existing residents.

The distance between the opposing elevations of plots 1 to 6 varies between 16.2m and 19.1m. Although this is a little shorter than the 21m or so that would normally be sought, the need to make efficient use of the site and the limited developable area adds a constraint to how the new dwellings can be best laid out.

Furthermore, it is noted that the distance between opposing existing dwellings at the southern end of Waun Wen is only just over 16m. This is also similar to the pattern of development within the next street to the east, Pen Y Dre.

Since the new houses are of a similar spacing to others within the immediate area and the mutually opposing elevations are front to front, thus avoiding any direct overlooking of private rear gardens, the relationship can be considered to be acceptable.

To the north of the site Rhiwgarn Stores, which has residential accommodation above, occupies a position on lower ground at the junction of Rhiwgarn Road and Waun Wen. Some of the first floor windows within the rear elevation of the property would have skewed views towards the side elevation of Plot 1, part of which would only be 6.5m away.

Nevertheless, the side elevation of Plot 1 does not extend more than a couple of metres beyond that of Rhiwgarn Stores, so any impact to outlook is limited and Plot 1 has no windows within its side elevation.

With regard to other dwellings to the north-east at Rhiwgarn Road and Trebanog Road to the west, there would be a physical separation between opposing elevations of between 24m to 60m where either the distance or skewing between plots would not be expected to cause any amenity issues.

Lastly, in respect of future occupiers, the development has been designed to meet Welsh DQR standards where the level of accommodation, both internally and externally, could reasonably be considered to exceed those within the Council's relevant SPG. The site would be well landscaped, provide either private or communal gardens, in addition to the large green area to the west.

Consequently, the development is considered to be acceptable in terms of the privacy and amenity of existing and future residents.

## **Ecology, Biodiversity and Green Infrastructure**

NRW has advised that the source of the Nant Muchudd watercourse lies approximately 200m to the southeast of the site, which flows directly through the Rhos Tonyrefail SSSI.

Therefore, hydrological linkages between the development site and the Nant Muchudd might exist such that on-site pollution within the development site could reach and negatively impact part of the SSSI.

Due to the proximity of the site and the Nant Muchudd, NRW considers that a Construction Environmental Management Plan should be secured by condition in order to manage and control all onsite pollution sources (airborne or waterborne) during the development.

The Council's 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, Green Infrastructure Statement, Species Mitigation Strategy and Habitat Management Plan.

## **Access and highway safety**

The application site is served from Waun Wen which is a residential cul-de-sac serving 16 dwellings and is sub-standard compared to current standards. The high on-street car parking demand along Waun Wen results in the carriageway being reduced to single width to accommodate it. There is an existing traffic regulation order (School Keep Clear markings) in place along the site frontage which requires revoking at the expense of the developer.

The proposed development is in excess of 5 dwellings and in accordance with Welsh Government advice and the RCTCBC Design Guide should be designed and built to an adoptable standard.

A satisfactory turning facility would accommodate service and delivery vehicles with access / egress out onto Waun Wen in forward gear and the junction radii have been increased to take into account the potential for existing residents to park opposite the proposed site access, which has been confirmed by Swept Path Analysis. Nonetheless, uncontrolled pedestrian crossing facilities would be required at the junction which are proposed to be conditioned as part of the engineering design and detail.

The relevant Supplementary Planning Guidance sets out that 1 or 2 bedroom houses require a maximum of 2 spaces and for flats a maximum requirement of 1 space per bedroom. The development would have a shortfall of 7 resident spaces.

However, taking into account that residents of social housing have lower levels of car ownership than privately owned or rented dwellings, the Council's Highways and Transportation Section has not raised an objection. It is also noted that a Travel plan has been provided and cycle stands would be erected on site.

TRICS data suggests that the proposed development will generate 9 to 12 peak hour vehicle movements. This equates to, on average, one additional movement every 5 minutes during the busiest times. The volume of traffic generation is not considered to be significant and will be much lower than that generated by the previous use of the site as a school. There are no highway safety concerns with regards the impact of the proposal in terms of capacity on the existing highway network.

## **Drainage**

Dwr Cymru Welsh Water (DCWW) has advised that it was previously informed of the proposed development during PAC consultation as a Specialist Consultee.

In addition, DCWW has confirmed that foul water flows can be accommodated in the public sewer system and acknowledges that the intention is to discharge the surface water via infiltration swale and geocellular soakaway. Capacity is currently available in the water supply system to accommodate the development.

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.

Furthermore, the submitted drainage strategy has demonstrated that surface water will be appropriately managed and disposed of on site. The strategy outlines discharge rates for the proposed layout and ensures the watercourse can cope with an increase in flows from site.

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

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

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

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

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

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

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

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

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

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

In this case the proposed development, 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 £14,000 (£1,000 per dwelling) to the upgrading of the existing play area at Henllys, in accordance with the Council's SPG for Planning Obligations.

### **Conclusion**

The proposed development would create an attractive housing development of mixed types which would help to address local needs, as set out within the Local Housing Market Assessment, and which would result in the regeneration of a redundant site.

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 accessed safely 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 align with the aims and policies of PPW 12, including the National Sustainable Placemaking Outcomes, and 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:

- Proposed Site Layout 4050-PEN-XX-XX-DR-A-1001-S0-P17
- Typical Boundary Details 4050-PEN-XX-00-DR-A-1005-S0-P4
- 1 Bedroom House Type 4050-PEN-ZZ-ZZ-DR-A-2000-S0-P2
- 2B 4P House Type 1 4050-PEN-ZZ-ZZ-DR-A-2100-S0-P2
- 2B 4P House Type 2a 4050-PEN-ZZ-ZZ-DR-A-2200-S0-P2
- 2B 4P House Type 2b 4050-PEN-ZZ-ZZ-DR-A-2250-S0-P2
- Walk-Up House Type 4050-PEN-ZZ-ZZ-DR-A-2300-S0-P2
- Proposed Street Scene and Sections 4050-PEN-ZZ-ZZ-DR-A-1200-S0-P4
- Detailed Soft Landscape Proposals TDA.2876.01 (Rev.D)
- Proposed Access and Refuse Lorry Tracking 1590-ACS-XX-ZZ-DR-T-009-B
- Landscape Specification & Management Plan - Updated February 2024 (Rev.A)

and details and documents received on 19th October 2023, 27th October 2023 and 22nd 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, including any works of site clearance, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.:

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

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

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

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

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

5. 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.

6. No development shall take place, other than site clearance until full engineering design and details of the road layout including sections, uncontrolled crossing facilities, street lighting details and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. 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.

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

The intrusive site investigations and remedial works shall be carried out by or under the direction of an independent suitably qualified competent person.

Reason: To ensure that the site is safe and stable to accommodate the development, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place, other than site clearance, until details and design calculations of any retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

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

10. Prior to beneficial occupation any required remediation measures, approved in the scheme referred to in Condition 4, shall be implemented and a suitable validation report shall be submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by or under the direction of an independent suitably qualified competent person.

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

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



Reason: To ensure that the site is safe and stable to accommodate the development, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to beneficial occupation the parking and turning facilities, shall be laid out in accordance with the approved plans. 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.

13. Prior to beneficial occupation and following the revocation of the existing Traffic Regulation Order, the 'School Keep Clear' markings along Waun Wen shall be removed

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The development shall be carried out in accordance with the Landscape Specification and Management Plan (report by TDA, dated July 2023 and updated February 2024); Section 3 of the Habitat Management Plan (report by Wildwood Ecology, dated 22/02/2024); and Sections 4 and 5 of the Species Mitigation Strategy (report by Wildwood Ecology, dated 22/02/2024).

All planting, seeding or turfing comprised in the approved plan 'Detailed Soft Landscape Proposals TDA.2876.01(Rev. D) 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.

Notwithstanding the above, *Prunus Laurocerasus* (Cherry Laurel) shall not be used and the 2no. *Alnus Cordata* shall be substituted with a Silver Birch and Rowan.

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.

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

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

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

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

## PLANNING & DEVELOPMENT COMMITTEE

21 March 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1294/10 (GRD)  
**APPLICANT:** Fairleap Limited  
**DEVELOPMENT:** Part change of use from offices (B1 use class) to a gymnasium (D2 use class)  
**LOCATION:** FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS  
**DATE REGISTERED:** 14/11/2023  
**ELECTORAL DIVISION:** Hirwaun, Penderyn and Rhigos

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**RECOMMENDATION:** Approve, Subject to conditions

**REASONS:** The application site is located in a sustainable location and would make beneficial use of an existing building, providing employment opportunities and additional facilities within the key settlement of Hirwaun.

Whilst the area is predominantly residential in character, the site has previously been used as a Health Centre and offices. In this context and considering past uses which have operated at the site, it is not considered that the proposed use of part of the building as a gymnasium would significantly impact upon the amenities or privacy of neighbouring occupiers.

Furthermore, the proposal would not involve extension to the application building and would not impact upon the character and appearance of the site nor would the development have any adverse impact upon highway safety in the vicinity of the site.

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

- Three or more objections have been received by persons affected by the proposal.

#### **APPLICATION DETAILS**

Full planning permission is sought for the conversion of parts of an existing building from office spaces (Use Class B1) to a gymnasium (Use Class D2). A small area of the building would be retained as office spaces.

The proposed gymnasium would contain a reception area, several treatment rooms, along with a Gym/ Yoga Area, Kitchen/ Canteen, Locker Room, Bike Stores and associated facilities.

The block plan submitted demonstrates that vehicular parking spaces would be retained as existing and provided to the side and rear of the building. Additionally, a bike shelter is proposed at the site.

The supporting information notes that the development proposes 2 full-time members of staff and 3 part-time members of staff. The opening times have been stated as 6am – 8pm Monday to Friday, and 9am - 12pm on Saturdays, Sundays and Bank Holidays.

No external extensions or significant external alterations are proposed at the site.

The application is also supported by a statement outlining the parking requirements for the gymnasium.

### **SITE APPRAISAL**

The application site relates to a roughly rectangular parcel of land with an area of approximately 0.26 hectares, located towards the southern part of Hirwaun and located to the northwest of the Heads of the Valleys Road (A465), with access gained to the site from the adjacent highway, Brecon Road. The site is occupied by the former Hirwaun Health Centre, which has more recently been used as office spaces. The site also contains an existing area of hardstanding to be used as parking spaces.

The site is unallocated and is located within the settlement boundary limits of Hirwaun. The application site is bound to the east, west and north by neighbouring properties and their associated residential curtilages.

The surrounding area is predominantly residential; however, a barber shop is also located to the east of the application site.

### **PLANNING HISTORY**

22/1281/38: FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS. *'Discharge of conditions 3 landscaping, 4 boundary treatment, 6 means of access, 7 S278 - access (19/0165/15)'*. Not yet determined

19/0165/15: FAIRLEAP HOUSE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS: *'Variation of Condition 1 (time limit) to extend the date of commencement of planning permission ref 14/0600 for the demolition of the former Hirwaun Health Centre and erection of 5 no. 4 bedroom detached houses and garages together with external works (Bat Survey Received 29th November 2019)'*. Granted, 19/12/2019

14/0600/10: HIRWAUN HEALTH CENTRE, BRECON ROAD, HIRWAUN, ABERDARE, CF44 9NS. *'Demolition of the former Hirwaun Health Centre and erection of 5 no. 4 bedroom detached houses and garages together with external works (amended layout plan received 26/11/14, amended drainage plan received 12/01/15)'*. Granted, 07/04/2015

### **PUBLICITY**

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. Letters of objection have been received from three individuals. Points raised are summarised as follows:

- Consider that a gymnasium set in a predominantly residential area would be unusual and incongruous at this location;
- Concerns with additional vehicle movements affecting Brecon Road;
- Concerns with a substandard access to the site and concerns with pedestrian safety crossing the access to the site;
- Objectors note that previous breaches of planning control have occurred at the site, and that this would occur again with the proposed use;
- Concerns that the gymnasium would attract illegal drugs and steroids to the site;
- Concerns with the increase in noise caused by the introduction of a gymnasium at this location;
- Concerns with the early opening times proposed and noise generated by slamming of doors
- Objections due to the proposed opening times, which an objector has noted would exceed the operational times of previous uses at the site.
- Objections due to the proposal lowering neighbouring property values
- Objector notes that another gym is not needed in Hirwaun;
- Requests that a fence is erected around the site to protect the privacy of neighbouring occupiers and limit the noise and disturbance caused by the proposed use

#### **CONSULTATION:**

##### Hirwaun and Penderyn Community Council

No adverse comments received.

##### Local Highway Authority

No objections.

##### Welsh Government (Transport Section)

Does not issue a direction.

##### Flood Risk Management

No objections. Advisory notes recommended.

##### Public Health & Protection

No objections, subject to condition. Advisory notes recommended.

##### Ecology

No objections. Advisory note recommended.

##### Welsh Water

No objections, subject to condition. Advisory notes recommended.

#### **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 limits of Hirwaun.

**Policy CS1 (Development in the North):** sets out criteria for achieving strong, sustainable communities.

**Policy AW2 (Sustainable Locations):** advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

**Policy AW6 (Design and Placemaking):** requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

**Policy AW8 (Protection and Enhancement of the Natural Environment):** seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

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

**Policy AW11 (Existing Employment and Retail Uses):** Sets out criteria for proposals promoting alternative uses for employment and retail sites.

**Policy NSA3 (Development in the Key Settlement of Hirwaun):** Outlines how development proposals would be assessed within Hirwaun.

### **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

### **National Guidance**

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

Planning Policy Wales Edition 12 (PPW) was issued on 7<sup>th</sup> of February 2024 with Future Wales: The National Plan 2040 (FW2040) published in 2021. PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

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

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the change of use of part of an existing building last used as office spaces to a gymnasium (Use Class D2). Part of the building would be retained as office spaces.

The site is situated within the settlement boundary limits of Hirwaun, is within walking distance of the settlement's retail centre and is located on a bus route. The development site is therefore considered to be in a sustainable location.

The building relates to the former Hirwaun Health Centre, which has also more recently been used as office spaces. Whilst the surrounding area is predominantly residential, the building and application site have been used for both business and non-residential uses and the provision of a gymnasium within parts of the building would not be considered to unacceptably conflict with surrounding uses in this respect.

Whilst PPW12 encourages a 'Town Centre First' policy, the key settlement of Hirwaun does not have a 'Town Centre' and it is accepted that the identified retail centre within the village is relatively small and lacks a wide range of properties capable of accommodating the proposed use. The application site is also within settlement boundary limits and within safe walking distance from the Town's Retail Centre.

Overall, it is considered that the proposal would make beneficial re-use of an existing building which would provide regeneration benefits through additional employment and provide additional facilities within the key settlement of Hirwaun.

The principle of development is therefore considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

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

The proposal would not result in any extensions and the external alterations would be limited. The character and appearance of the building would therefore remain largely as existing.

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

The proposal would not result in any extensions at the building and as such, it is not considered that the proposed development would adversely impact upon the privacy or amenities of neighbouring occupiers through loss of light or overshadowing.

It is acknowledged that the provision of a gymnasium at the site would result in comings and going to and from the site with some disturbance caused by vehicles and the presence of gym users accessing the facility. However, the building and application site relate to the Former Hirwaun Health Centre, with the building last being used as offices, with noise, activity and disturbances, including vehicular activity, associated with such past uses. It is not therefore considered that the proposed use of parts of the building as a modestly scaled gymnasium would significantly increase noise levels or levels of disturbance in comparison to what was previously experienced at the application site.

The detached building is set at a reasonable distance away from properties to the west and northwest, being sited approx. 20m away from the dwellinghouse of Sunnyville to the west and the gymnasium use itself would be sited approx. 11m from Sunnyview to the west with some existing boundary treatments providing some levels of protection to neighbouring amenities. The proposed gymnasium would also be located over 45m away from neighbouring properties to the northeast of the site.

A neighbouring property, namely Caraway, is located approx. 5m to the southeast of the building and proposed gymnasium. Some concern is raised with the proximity of the neighbouring property to the proposed use; however, the internal layout plan demonstrates that rooms which face the adjacent property to the southeast would be small 'treatment rooms', which would unlikely cause significant levels of intrusion or generate significant levels of noise which would detriment the amenities of neighbouring occupiers.

The proposed gymnasium would be contained within the building itself and due to the scale and layout of the proposed gymnasium and the detachment of the building from



neighbouring properties, it is not considered that the proposed use at this site would significantly detriment the amenities of neighbouring occupiers.

No objections were received by the Council's Public Health and Protection Department following consultation, with comments received in relation to the operation of the gymnasium, which are recommended as advisory notes to any grant of planning consent. A condition is also recommended that members of the public shall only be allowed on the premises between the hours of 06:00hrs – 20:00hrs Monday to Friday and 09:00 – 12:00 Saturdays and Sundays.

Concerns have been raised by third parties with regards to the proposed development and objectors have noted that the gymnasium would be out of keeping within this residential area, with concerns also raised in relation to an increase in noise, the proposed opening hours, and other disturbances such as slamming of doors. However, as discussed above, the site and building have been used for both business and non-residential uses in the past and it is considered that based on the submitted plans and information that the provision of a modest gymnasium at this location would be considered acceptable.

Overall, considering the existing context and past uses at the site, the proposed use of part of the building as a gymnasium would not be considered to significantly impact the amenities of neighbouring occupiers.

### **Access and highway safety**

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received are summarised as follows:

#### Access

The carriageway width of 4.5m is satisfactory for two small cars to pass one- another only. It is not anticipated that the proposed use as a gymnasium would attract large service and delivery vehicles and therefore the existing 4.5m carriageway width is acceptable.

#### Parking SPG Access, Circulation & Parking 2011 & Wales Parking Standards 2014

The Local Highway Authority (LHA) consider that the existing office use requires in the region of 16 off-street car parking spaces with 23 provided. The proposed gymnasium requires 1 space per 10m<sup>2</sup> in accordance with the South Wales Parking Standards 2014.

The applicant has provided a breakdown of the existing areas to be used in association with the proposed gymnasium.

- Treatment Room & Gym Area 170m<sup>2</sup> / 10m<sup>2</sup> = 17 spaces.
- Office to remain requires 5 spaces with 4 marked for use.
- There are 23 spaces provided 4 of which are marked for gym staff.

Therefore, the LHA considers that the proposed development requires up-to a maximum of 22 off-street car parking spaces with 23 spaces provided.

### Cycle Parking

The development provides for 20 secure cycle stands to promote sustainable modes of transport with less reliance placed on the private motor vehicle as the primary mode of transport, which is considered acceptable.

### Local Highway Authority Recommendation:

The proposed use would be served off an existing access which is acceptable for standard two-way vehicular movement. It is not anticipated that a gymnasium would attract a substantial amount of HGV vehicular movement and therefore no improvements at the junction have been conditioned. Off-street car parking complies with the guidance stated above and therefore no objection is raised or condition suggested.

Third parties have raised concerns in relation to impacts on pedestrian safety, concerns with additional vehicular movements along Brecon Road and what objectors consider to be a substandard access to the site. However, as identified above, no such concerns are raised by the Local Highway Authority in relation to access or highway safety and the development is considered acceptable in this respect.

Following consultation, the Welsh Government as Highway Authority for the A465 trunk road has not issued a direction in respect of this application.

### **Other Issues:**

Welsh Water/ Dwr Cymru have offered no objections to the proposal, subject to a condition ensuring that no surface water from an increase in the roof area of the building shall be allowed to drain directly or indirectly to the public sewerage system. However, no extensions are proposed at the site and as such, the condition is not considered necessary.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that the site boundary does not fall within an area of surface water flood risk and no objections were received by the Council's Flood Risk Management section following consultation.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust, and waste. The Council's Public Health and Protection Department have also offered comments and recommended a condition in relation to opening hours at the proposed gymnasium.

No extensions and no alterations to the roof are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

### Third Party Comments:

Objectors have raised concerns with an increase in drugs and drug use in the vicinity of the site. However, should any illegal activity be undertaken at the site then the Police and other relevant authorities would have powers to act.

Concerns have also been raised by objectors in relation to previous planning breaches at the site. However, each application must be considered on its own merits with the Local Planning Authority assessing whether the proposed change of use of part of the building to a gymnasium would be acceptable in planning terms. Should any breaches of planning occur in future at the site, then the Local Planning Authority would have powers to take appropriate action.

Objectors have also noted that the proposed use would lower neighbouring property values. However, this would not be considered a material planning consideration for the purposes of this planning application.

Concerns were also raised with regards to a boundary fence between a neighbouring property and the application site, which the objector noted was agreed between neighbouring parties. However, a previous agreement between neighbours to erect a boundary fence would be considered a private matter between neighbouring occupiers. The provision of additional boundary treatment is not considered necessary as a condition for a grant of planning permission for the proposed use in respect of this development.

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

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

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

### **Conclusion**

The application site is in a sustainable location and would make beneficial use of an existing building, providing employment opportunities and additional facilities within the key settlement of Hirwaun.

Whilst the area is predominantly residential, the site has previously been used as a Health Centre and offices. In this context and considering past uses which have operated at the site, it is not considered that the proposed use of part of the building as a gymnasium would significantly impact upon the amenities or privacy of neighbouring occupiers.

Furthermore, the proposal would not involve extension to the application building and would not impact upon the character and appearance of the site, nor would it have any adverse impact upon highway safety in the vicinity of the site.

**RECOMMENDATION: Approve, subject to conditions**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Existing Site Layout. Drawing No. 01
- Existing Floor Plan and Elevations. Drawing No. 02
- Proposed Site Layout Location Plan. Drawing No. 03. Rev A
- Proposed Floor Plan and Elevations. Drawing No. 04

And documents received by the Local Planning Authority on 14/11/2023 and 19/01/2024 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. The premises shall only be used as a gymnasium and offices and for no other purpose, including any other purpose in Class D2 of the schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interest of residential amenity and highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Members of the public shall only be allowed on the premises between the hours of:

Monday – Friday: 06:00hrs – 20:00hrs  
Saturday and Sunday: 09:00hrs – 12:00 noon.

Reason: In the interests of the amenity of neighbouring occupiers and to define the scope of the consent, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the development being brought into beneficial use, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.



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## PLANNING & DEVELOPMENT COMMITTEE

21 March 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 23/1444/10 (KL)  
**APPLICANT:** CJC Estates Ltd and Trivallis  
**DEVELOPMENT:** Demolition of existing buildings and proposed development of 4 no. residential dwellings and 4 no. flats, landscaping, bat roost mitigation, bin store, bike store and associated works  
**LOCATION:** THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT  
**DATE REGISTERED:** 08/01/2024  
**ELECTORAL DIVISION:** Aberdare West and Llwydcoed

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

**REASONS:** The proposed development would enable the re-use of a previously developed site, providing much-needed affordable housing within settlement limits and within a sustainable location.

The proposed layout of the site and the scale and design of the proposed dwellings would be acceptable in the context of the surrounding area and, given that the existing building has been vacant for some time, it would also bring an under-used site back into beneficial use.

The proposed use of the site for residential purposes is considered acceptable, given that the site is situated in an area that is almost entirely residential in character and it is not considered that the development would be detrimental to amenity or privacy of neighbouring properties.

Furthermore, the development would provide a betterment in terms of highway safety with the proposal improving the junction radii and vision splay at the junction between Merthyr Road and Corner House Street, and also with the road at Corner House Street being widened and a footway provided.

Consequently, the proposed development is considered to be acceptable in respect of the LDP and national planning policy framework.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of 4 no. residential dwellings and 4 no. flats on land currently occupied by The Old School on Merthyr Road, Llwydcoed. The proposal also includes details of landscaping, bat roost mitigation, bin stores, bike stores and other associated works.

The proposed development would result in the demolition of the existing building and the construction of 4 no. residential dwellings and 4 no. flats in its place.

Plots 1-6 would be arranged in a terrace of 4 properties which would front onto Merthyr Road whilst plots 7 & 8 would form a semi-detached pair fronting onto Corner House Street. All 8 properties would benefit from off-street car parking provision to the side (plots 1 & 2) or front elevations (plots 3-8) and private or shared amenity space to the rear.

The following dwelling types are proposed:

- Plots 1 & 2: Two bed dwellings.
- Plots 3-6: One bed self-contained flats.
- Plots 7 & 8: Three bed dwellings.

Externally, the proposed dwellings would be finished using a palette of materials consisting of render (Parex Mouse Grey) and grey brickwork with the roofs being covered in Cembrit Jutland blue black slates with clay angle ridge tiles. Windows and doors would be of uPVC and composite construction (in Anthracite Grey) respectively.

Each of the dwellings would have bin and bike storage facilities within their rear gardens whilst the flats would have shared bin and bike storage facilities within the shared outdoor space. Each unit would also benefit from an air source heat pump and solar panels to the rear roof slopes.

Plot 5 would further incorporate a bat roost building within its rear garden. The building would measure 4.4m in width by 6.4m in depth with a pitched roof design that would measure 4.4 metres in height to the ridge and 2.1m in height to the eaves. It would be of stone construction with a slate tile covering which would incorporate 2 no. lead bat access slates. A single access door would be incorporated within the side elevation for maintenance access.

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

- Covering Letter
- Green Infrastructure Statement
- Bat Survey
- Arboricultural Report

## **SITE APPRAISAL**



The application site relates to a broadly rectangular shaped plot of land that is situated at the junction between Merthyr Road and Corner House Street in the village of Llwydcoed, Aberdare. It measures approximately 1400m<sup>2</sup> (0.14ha) and rises gradually in ground profile in a south-west to north-east direction.

The site is currently occupied by a former primary school building which is situated at the most central and northern parts, with two other detached outbuildings being located at the most southern and north-western corners. It is understood that the building was most recently occupied by a commercial business known as Tectonic International Ltd (Use Class B1) however, the building is currently vacant.

Vehicular access is provided directly off Merthyr Road at the north-western boundary whilst a secondary gated access is provided off Corner House Street at the north-eastern boundary.

The surrounding area is predominantly residential in character with a variety of different house styles and scales visible in the immediate vicinity. A war memorial park and Monument (Listed) is situated immediately adjacent to the southern boundary of the site.

## PLANNING HISTORY

The following planning applications are on record for this site:

23/1330	The Old School, Merthyr Road, Llwydcoed	Discharge of condition 15 (Historic Building Record) of planning permission ref. 19/1278/13	Pending
23/1069	The Old School, Merthyr Road, Llwydcoed	Application for reserved matters approval (appearance, landscaping, layout, access and scale) and discharge of conditions 3 (Tree Protection), 5 (Boundary Treatment Plan), 6 (Materials), 11 (Construction Method Statement) pursuant to outline planning permission ref: 19/1278/13	Granted 29/02/24
19/1278	The Old School, Merthyr Road, Llwydcoed	Outline application with all matters reserved for 5 residential dwellings (demolition of existing buildings) (Amended plan to include bat roost mitigation measures rec. 12/08/2020)	Granted 17/12/21

11/0988	Tectonic International Ltd. Merthyr Road, Llwydcoed	Proposed extensions and alterations to offices	Granted 09/11/11
10/0822	Tectonic International Ltd. Merthyr Road, Llwydcoed	Change of use from Class D1 to Class B1 to accommodate established business, repair & improvements to buildings for the provision of office space, software development, assembly/testing computers, light engineering (amended plans rec. 09/03/11, indicating access to site from Merthyr Road).	Granted 14/04/11

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters and through the erection of a number of site notices in the vicinity of the site. A total of 21 letters of objection have been received from 18 individuals which are summarised as follows:

### *Access/Parking:*

- Parking is already an issue in the area
- Additional houses and especially flats will create a problem for the street as there is not enough parking available for residents at the moment.
- Traffic is already an issue and the proposal would make things worse over time and accidents are more likely to happen with parents attending the nearby school.
- The junction is very dangerous and has limited visibility.
- High speed traffic along Merthyr Road is an issue and more cars to a family would be costly for the environment and our carbon footprint.
- We need to be mindful of pedestrians.
- Merthyr Road is an incredibly busy through-route and it is becoming increasingly busy as a result of the A465 road works.
- Access to and from existing houses on Merthyr Road is already problematic and dangerous.
- Additional driveways off Merthyr Road would increase danger.
- Corner House Street only allows for single lane traffic and is already busy with school traffic.
- Some 70 + vehicles traverse the street at peak school times.
- The previous business that occupied the site were refused use of the entrance in Corner House Street on safety grounds.

- The plan indicates a marginal improvement to the vision splay at the junction however this would be limited in view of the parking at the junction and the fact that both streets are exceptionally busy.
- The development has a potential for 12+ vehicles, plus any visitors, and falls far below the acceptable requirement as parking and turning spaces are limited.
- There is no on street parking available for the new properties.
- The flats are suitable for 2 occupants so there could easily be 2 cars to each flat however, only one space is allocated per flat.
- Merthyr Road is an ambulance route.
- Parking from the customers of the nearby pub is already an issue.
- Corner House Street has few pavements, none in most of it, and this amplifies the danger that extra vehicles and entrances into properties would present.
- Cars park on pavements which makes it dangerous for children to cross the road (photographic evidence has been provided).

#### *Character/Appearance:*

- The development is high-density and overdevelopment of the site.
- The development is not in-keeping with the current aesthetic/surrounding housing stock.
- The development includes a 6ft fence which is obtrusive and not in-keeping with the aesthetic of the area.
- The Old school is an historic building which should not be demolished as this will detract from the character of the building.
- The existing building has historical value and should be preserved.
- The development is not commensurate with design, style and detailing of the existing dwellings in the immediate area.
- Existing boundary treatment is either brickwork or stone.
- The development does not comply with Policy NSA10 as the number of proposed properties is more than double the density of properties stipulated.
- The development is not efficient use of land.
- The original plan (of the outline/reserved matters consents) were more in line with the village in terms of the amount of space between dwellings and in that the majority of the housing in the area is houses, not flats.

#### *Amenity and Privacy:*

- Concern is raised with lack of privacy for properties directly opposite the site.
- Additional on-street activity and noise from extra vehicles will be a disturbance.
- The development would decrease air quality given increased emissions from additional vehicles which will impact on children's quality of life.

#### *Sustainability:*

- Social housing on this site is not sustainable in terms of local transport.
- There is no train service to Llwydcoed Village.
- The local bus service is infrequent and is discontinued early into the evening.
- The local shop is a long walk with access via a steep hill.

### *Ecology:*

- Issue over highly protected species and local wildlife
- Concerns are raised with tree felling/pruning.

### *Tenure:*

- Concern is raised with regards to the proposed tenancy of the development, the potential for crime, anti-social behaviour, drinking and abuse and the impact this will have on the safety of school children and existing residents.
- There are already 2 estates in Llwydcoed which experience problems with tenants. There is no need for affordable housing in the area.
- The area is characterised by privately-owned dwellings which are large, executive houses. A development for affordable housing would therefore not be in-keeping with the area.
- The proposal may have designed out the opportunity for crime and anti-social behaviour however, the fact remains that the tenure of the dwellings proposed have an association with increased levels of insecurity.

### *Other:*

- We have historical cottages that need to be protected.
- The proposal would set a dangerous precedent for future development.
- This application should be refused in favour of the initial proposal for 5 private dwellings, which has already been granted planning permission.
- There is no objection to the development that currently has planning permission for 5 private dwellings.
- There have been several private developments within Llwydcoed over the last few years with no effort made by developers or the Council to integrate social housing into these developments.
- To go from zero social housing to 100% social housing doesn't echo the importance of inclusivity/social mobility or take into consideration current residents community/property values.
- Concern is raised in relation to noise and disturbance during construction.
- Failure to provide a bypass road for Llwydcoed means that Merthyr Road will have significant quantities of extra traffic in coming months and years.
- It is unclear what the plans are for the existing wall adjacent to no. 6 Corner House Street. It is requested that consultation be undertaken with the occupier as any change or removal of that wall would directly affect them.
- Confirmation is sought that no damage will be done to the neighbouring property in the event that the wall is removed or altered.
- Disruption by workmen should be kept to a minimum and they should respect the neighbouring property.
- Additional houses in the area will undoubtedly have further drain on resources in the area.
- A benefits analysis should be undertaken to review the impact of these new properties on the local community and to ensure that it would have a positive outcome.

- The demolition of the existing building will cause mess, noise and disruption to residents with heavy machinery involved which would be a major catastrophe and traffic problem.
- The development will devalue existing properties.
- A query is raised as to why the site cannot be use for the community.
- There are many vacant properties for sale in the locality, including properties built by the current developer. There is no need to increase properties in the area.

## **CONSULTATION**

The following consultation responses have been received:

**Ecology:** No objection, subject to S106 agreement, and condition.

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

**Glamorgan Gwent Ecological Trust:** No objection, condition recommended.

**Housing Strategy:** No objection.

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

**Natural Resources Wales:** No objection, subject to S106 agreement, and condition.

**Public Health and Protection:** No objection, conditions recommended.

**South Wales Fire and Rescue:** No objection.

**South Wales Police:** No objection. Observations made in respect of Secured by Design.

**Welsh Water:** No objection, condition recommended.

## **POLICY CONTEXT**

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

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

**Policy CS1 – Development in the North:** focus is on developing sustainable communities achieved by providing high quality, affordable accommodation that promotes diversity in the residential market and ensuring the removal and remediation of under used and previously used land.

**Policy AW1 – Supply of New Housing:** sets out the means by which new housing will be delivered through the development plan, including the development of unallocated land within the defined settlement boundaries, the provision of affordable

housing and the development of land which accords with the requirement of Policy NSA10.

**Policy AW2 – Sustainable Locations:** advises that development proposals on non-allocated sites will only be supported in sustainable locations which includes sites within the defined settlement boundaries and which would have good access to key services and facilities as well as a range of public transport.

**Policy AW4 – Community Infrastructure & Planning Obligations:** lists community infrastructure and planning obligation contributions which the Council may seek in respect of key settlements.

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

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

**Policy AW7 – Protection and Enhancement of the Built Environment:** states that developments that impact upon sites of architectural and/or historical merit will only be permitted where the proposal would preserve or enhance the character and appearance of the site.

**Policy AW8 – Protection and Enhancement of the Natural Environment:** sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10 – Environmental Protection and Public Health:** development proposals must overcome any harm to public health, the environment or local amenity.

**Policy NSA10 – Housing Density:** requires residential development to have a net residential density of a minimum of 30 dwellings per hectare.

**Policy NSA11 – Affordable Housing:** developments of 10 residential units or more will be required to provide at least 10% affordable housing.

**Policy NSA12 – Housing Development within and adjacent to Settlement Boundaries:** gives criteria for development within settlement boundaries.

**Policy NSA 15 –Small Industrial and Business Sites:** requires development of small industrial and business sites (Use Class B1, B2 & B8) for alternative uses to be assessed in accordance with Policy AW11.

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

4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

### **Supplementary Planning Guidance**

Design and Placemaking  
Affordable Housing  
Nature Conservation  
Planning Obligations  
Access Circulation and Parking  
Development of Flats  
Employment Skills

### **National Guidance**

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

Planning Policy Wales Edition 12 (PPW) was issued on 7<sup>th</sup> 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), 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
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

Other relevant 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;

## **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:**

#### **Application Background and History**

This application seeks full planning permission for the construction of 8 no. residential units on a parcel of land which is currently occupied by a former school building. The site was subject to an earlier outline permission for 5 no. detached dwellings (Planning ref. 19/1278/13) which was granted by the Planning and Development Committee in 2021, and the subsequent reserved matters application pursuant to the outline consent has also recently been approved.

The main differences between the two developments are primarily the number of units proposed and the scale/design of the proposed dwellings. The consented scheme is for 5 no. 'executive' style, detached dwellings with three fronting Merthyr Road and two fronting Corner House Street, whereas the current scheme proposes a total of 8 no. dwellings that would be arranged in a 'terrace' fronting Merthyr Road and a separate semi-detached pair fronting Corner House Street. Members will also note that this current scheme would be 100% social housing.

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

As indicated above, the application site already benefits from an extant consent for the construction of 5 no. detached dwellings. As such, the principle of developing the site for residential purposes has already been established.

The site is situated within settlement limits and within an established built-up area that is predominantly residential in character. The area benefits from key local services, which includes a primary school and a shop, and a bus stop is located in close proximity of the site, although it is noted that services appear to be limited to an hourly service which ceases around 18:45. Notwithstanding this, the service provides transport to the Principal Town of Aberdare and the nearby town Merthyr Tydfil, both of which provides onward travel to the wider area by bus or train. Furthermore, the site and its surrounding area is also conducive to travel on foot and bicycle, which together the above-mentioned services, would mean that the area can be considered a sustainable location.



It is noted that a number of objectors raise concern that the development is not compatible with the existing uses in the area however, the development proposes 8 no. residential dwellings in an area which is almost entirely characterised by residential properties. As such, there would be no conflict of use and, taking all of the above into consideration, the proposed development complies with the main sustainability objectives of Policy AW2 of the Rhondda Cynon Taff Local Development Plan.

Furthermore, the proposal is considered to be in line with Policies AW1 and NSA12 which both seek to direct residential development to areas and sites within settlement boundaries, although Policy NSA12 further stipulates that developments will only be permitted where they would not adversely affect the highway network or provision of parking in the surrounding area. Whilst it is noted that residents consider the development would have an adverse impact in this regard, the Council's Highways and Transportation section have not raised any objection to the proposal. This is discussed in greater detail in the *Access and Highway Safety* section below.

The development would also comply with Policy CS1 which promotes high-quality, affordable accommodation that would promote diversity in the residential market. The proposal includes two and three bed properties as well as one bed flats which have been designed in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within the Llwydcoed area. Comments from the Housing Strategy Team indicate that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2022/37. As such, whilst a number of objectors consider that there is no need for any affordable housing in the area, this is clearly not the case.

The site is most recently known to have been in use in the B1 use class and it is therefore considered to be a small business site. Policy NSA15 requires proposals for the development of small business sites (Use Classes B1, B2 & B8) for alternative uses to be in accordance with Policy AW11 however, this need not be applied if there is an overriding reason that would outweigh the loss of a small business site, i.e. the continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or where access to the site does not meet an acceptable safety standard.

In the case of this application, the site is located at the junction between Merthyr Road and Corner House Street with the existing building being situated immediately adjacent to the north-western (Merthyr Road) and north-eastern (Corner House Street) boundaries. This causes visibility issues when exiting Corner House Street onto Merthyr Road and this, along with the lack of pedestrian footpath provision on the development side of Corner House Street, raise significant cause for concern in terms of highway safety. This concern is intensified by the fact that both Merthyr Road and Corner House Street and the connecting junction are well-used (and often at high speeds) with traffic traveling from the A465 Heads of the Valleys road to Aberdare and due to the location of Llwydcoed Primary School at the end of Corner House Street.

The proposal would result in the demolition of the existing building and the plans indicate that the site boundary would be set back to provide an improved vision splay at the junction and a pedestrian footway along Corner House Street. This would inevitably result in an improvement to what is clearly a sub-standard and well-used

junction and, given that no objection has been raised by the Council's Highways and Transportation section in this regard, it is therefore considered that the application would comply with Policy NSA15.

Consequently, given the recent history of the site and its sustainable location, the principle of developing the site for 8 no. residential (affordable) units is considered acceptable, subject to an assessment of the criteria set out in the subsequent sections below.

### **Access and Highway Safety**

A total of 18 residents have come forward with objections in relation to this proposal, all of which raise highway-related concerns. Whilst the concerns and objections are noted, the application has been assessed by the Council's Highways and Transportation Section and no objection has been raised in this regard. The comments received are summarised as follows:

#### *Access*

Merthyr Road has a carriageway width of 6.8m with 1.8m footways which is acceptable for safe vehicular and pedestrian movement. Corner House Street however, is sub-standard in terms of its junction radii and vision splay, and it is also lacking in continuous footway links which raises major cause for concern.

The application proposes to widen the carriageway to 4.8m which would enable safe two-way vehicular movement with 1.8m wide footways being provided for safe pedestrian movement. The junction radii would also be improved to 5.5m and the site boundary would be set back to provide a vision splay of 2.4m x 22m which is in accordance with the requirements for a 20mph road.

The development would result in limited additional traffic using Corner House Street (generated by two dwellings – plots 7 & 8) and with the improvements proposed which would benefit of all residents in terms of improving highway and pedestrian safety, the proposal is considered acceptable in this regard. A condition is recommended to secure full engineering design and details which has been added accordingly.

It is noted that plots 7 & 8 will result in reversing movements to and from Corner House Street however, this is typical of an unclassified residential street with limited additional traffic to that of the existing dwellings with similar car parking layouts along Corner House Street. As such, this does not raise significant enough concern to warrant a highway objection.

There are no concerns with regards to the capacity on the existing highway network given that planning permission has been granted for a development of 5 no. dwellings on the site. This proposal increases the number of units to 3 no. 1 bed units to that which has previously been agreed, which is not considered to be a significant increase.

#### *Parking*

The proposed dwellings would require the following parking provision to ensure compliance with the Council's Supplementary Planning Guidance - Access, Circulation and Parking:

- 4 no. 1 bed flats: 4 spaces (1 per unit)
- 2 no. 2 bed houses: 4 spaces (2 per house)
- 2 no. 3 bed houses: 6 spaces (3 per house)

The proposal provides for the following:

- 1 bed flats: 1 space per flat
- 2 bed houses: 2 spaces per house
- 3 bed houses: 2 spaces per house

The proposed parking provision for the 1 bed flats and 2 bed houses meets the requirements of the SPG, however, it is noted that the parking provision for the 3 bed houses is slightly below that recommended. Taking into account that the parking provision set out within the SPG are maximum standards, that the 3 bed houses are relatively small with the third room being a box (single) room, that secure cycle storage has been provided for all units and that the proposal is for social houses which generally has less car parking requirement and vehicular trips to that of a privately owned dwellings, the proposed off-street car parking provision is considered acceptable.

Whilst the proposal requires up-to a maximum of 2 no. visitor spaces, there is potential for short-term visitor parking to take place within the parking area on Merthyr Road and occasional on-street short-term parking.

#### *Cycle Parking*

Each unit has a secure cycle stand within the rear gardens to promote sustainable modes of transport with less reliance placed on the private motor vehicle.

#### *On-street Car Parking Demand*

Some concern is raised with regards to the existing high on-street car parking demand generated by the existing business use in the vicinity of the site blocking sight lines on Merthyr Road however, due to the additional access points from Merthyr Road, on-street car parking at this location would be restricted without causing obstruction. Furthermore, the proposed development complies with the Council's SPG for residential off-street car parking and will therefore not contribute to the existing high on-street parking demand within the vicinity.

In light of the comments received from the Council's Highways Officer, the proposal complies with the parking requirements set within the SPG with vehicles having the ability to turn and exit onto Merthyr Road in a forward gear. Furthermore, the proposal would improve the junction radii and vision splay at the junction between Merthyr Road and Cornerhouse Street and also the standard of the road at Corner House Street with the road being widened and a footway being provided in front of the site. As such, with the lack of a highway objection, the proposal is considered to be acceptable in terms

of the impact it would have upon highway and pedestrian safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

### **Character and Appearance**

The application site relates to a rectangular shaped parcel of land which has a direct relationship with both Merthyr Road to the north-west and Corner House Street to the north-east. The proposal to develop the site with properties addressing both highways is therefore considered acceptable.

The dwellings would be arranged in two blocks, one forming a link of 4 no. units (2 no. units being sub-divided into two flats each) and the other forming a semi-detached pair. Whilst a number of objections have been received from local residents which raise concern that this would not be in-keeping with the surrounding area, it is noted from an assessment of the immediate and wider locality that existing properties vary greatly in terms of their scale and design with larger-than-average detached and smaller terraced/semi-detached properties visible in both Merthyr Road and Corner House Street, and within the wider area. As such, the scale of the dwellings and the layout of the site would not appear at odds with the surrounding area. Furthermore, and as with the majority of existing properties in the surrounding area, the proposed dwellings would be set back from both Merthyr Road and Corner House Street, which would help to ensure that the open nature of the streets would be retained. They would also incorporate traditional pitched roof designs which would be in-keeping with the pitched roof designs visible in the immediate vicinity. The proposed dwellings fronting onto Merthyr Road (plots 1-6) would also be designed to reflect the gradual slope of Merthyr Road and the 'stepping down' of other properties in the area and, as such, it is considered that the general layout and design of the proposed scheme is in context with the existing pattern of development visible in the surrounding area. Furthermore, there is a great mix of finishing materials visible in the immediate and wider area and it is not considered that the proposed materials of facing brickwork and/or render and slate roof tiles would adversely affect the character of the area.

Whilst a number of objections suggest that the development would result in overdevelopment of the plot, the proposed site layout plan demonstrates that sufficient space is retained around the proposed properties to allow for sufficient off-street car parking and outdoor amenity space for each unit. As mentioned above, the properties are set back from their respective highways which would retain the open feel of the relevant street scenes, and which would allow for a comprehensive landscaping scheme to be implemented to ensure that the development integrates well within its setting.

Residents raise further concern that the development would provide a significantly greater residential density to that stipulated in Policy NSA10 however, it must be noted that that policy sets a **minimum** requirement of 30 dwellings per hectare and a greater density could therefore be considered acceptable. Whilst it is noted that the proposal would provide for a net residential density of approximately 61.5 dwellings per hectare which is double that stipulated in the policy, as indicated above, it is not considered that the development would be out of context with the character of the surrounding area, particularly when taking into account the terraced design of numerous properties

in the immediate vicinity which inevitably have a similar density to that proposed. Indeed, it is noted that the net residential density of the properties immediately to the north-east of the site on Merthyr Road (from the former Corner House Inn to no. 14. Merthyr Road) is approximately 69 dwellings per hectare which is greater than the density proposed in the current scheme. As such, the proposed density is considered to be acceptable in terms of Policy NSA10 and it is not considered that it would detract from the character and appearance of the surrounding area. Furthermore, it is considered that the development provides for efficient use of the land available.

One objection indicates that there are no flats in the surrounding area and whilst that might be the case, it does not necessarily mean that the provision of flats in the area would not be acceptable. As indicated above, the proposed flats would be contained within two units which would be of a two-storey scale and which would largely have the appearance of a standard residential unit, albeit with the provision of two entrance doors within the front elevation. The provision of two doors within the front elevation, whilst different to the general layout/appearance of other properties in the area, would not be sufficient to warrant the refusal of the application.

Whilst it is noted that the existing building is of some architectural/historical merit and its demolition would indeed be regrettable, the building is not a Listed Building, and it could potentially be demolished regardless of the outcome of this application (subject to the necessary submission of a prior approval application and prior to obtaining any necessary licence, e.g., European Protected Species Licence). Furthermore, the previous outline application also included the demolition of the building, which was approved subject to an appropriate historic building survey being carried out (condition imposed on the outline consent, as requested by Glamorgan Gwent Archaeological Trust). The same condition would be appropriate in this case.

A number of objections also refer to the proposed boundary treatments, suggesting that those proposed are inappropriate and out of keeping with the surrounding area. The proposal seeks to utilise 1.8m high close board fencing to denote the boundaries between properties and between plots 5 & 6 and the road on Corner House Street and this is considered acceptable, given the residential nature of the area. The site is currently bound by a green palisade fence to the north-eastern boundary (onto Corner House Street), which extends to the full length of the boundary and the proposal to replace this with close board timber fencing for a reduced length would be a betterment to the current arrangement, with this being more appropriate to the residential character of the area. Furthermore, the same materials were proposed to be used in a similar manner in the recently approved reserved matters application, to which residents did not raise any objection.

As such, in light of the above assessment, whilst the development would undoubtedly change the character and appearance of the site, the resulting development is considered to be appropriate and in context with the existing pattern of development and it would therefore have no adverse impact upon the character and appearance of the surrounding area. The application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Residential Amenity and Privacy**

### Existing Residents

It is noted that a number of residents have raised concern with regards to the impact of the development upon the amenity and privacy of existing properties in the surrounding area. The concerns raised suggest that the development would result in overlooking towards existing properties on Merthyr Road with additional on-street activity and noise from extra vehicles being a disturbance to existing residents.

Whilst the proposed dwellings would face toward a number of existing properties on Merthyr Road and Corner House Street, the separation distance between habitable windows of existing and proposed properties on Merthyr Road would be in excess of 25m, which is more than adequate to ensure that no adverse levels of overlooking would occur. Whilst the separation distance is somewhat reduced between habitable windows of existing and proposed dwellings on Corner House Street (16.5m), the relationship is similar to that between existing properties in the area and is therefore considered acceptable.

Furthermore, the proposed separation distances would ensure that the development would not result in any adverse levels of overshadowing or loss of outlook.

It is noted that some letters of objection raise concern that the development would result in additional on-street activity and noise from extra vehicles which would cause disturbance to existing residents however, the proposed development is residential in nature with any noise being equivalent to the noise created by existing dwellings. It must also be noted that the existing building was most recently in commercial use which would, if re-instated, has the potential to create far more noise and disturbance to residents than that of a small-scale residential development. Whilst further concern has been raised with regards to air quality, the development is considered to be of a minor scale which would not result in significant numbers of vehicles.

### *Future Residents of the Development*

As indicated above, sufficient distance would be maintained between existing and proposed dwellings to ensure that no adverse levels of overlooking between properties would occur. Furthermore, whilst the rear elevations and gardens of plots 1-6 would experience some degree of overshadowing as a result of the positioning of plots 7 & 8, it is not considered that this would be so significant that it would warrant the refusal of the application. Plots 7 & 8 would be situated at a slightly higher ground level to plots 1-6 however, this would not be to such a degree that it would result in an adverse overbearing impact.

Furthermore, the proposed flats are considered to comply with the Council's SPG on the Development of Flats in terms of the quality of accommodation proposed. The flats are all considered to be of a suitable size, providing enough space for future residents to undertake daily tasks. Each flat would have its own access to the front of the property which would ensure that the accesses are overlooked by the public realm, and all habitable rooms would have sufficient windows which would provide a reasonable outlook and for a reasonable levels of natural daylighting and ventilation. The flats would also have access to communal outdoor space which would facilitate clothes-drying facilities and storage areas for bins and bikes. Furthermore, the units

would be provided as affordable units which would be required to comply with Design Quality Requirements.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of both existing residents and potential future occupiers of the proposed development. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

### **Other Issues:**

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

### **Drainage**

The application relates to the construction of more than one dwellings and under, Schedule 3 of the Flood and Water Management Act 2010, a separate application will need to be submitted to the Sustainable Drainage Systems (SuDs) Approval Body (SAB) for sustainable drainage approval. Furthermore, the development will be required to comply with Part H of the Building Regulations.

The application has been reviewed by the Council's Flood Risk Management team and it has been revealed that there is low surface water flood risk northwest of the site, along B4276 Merthyr Road, from accumulation and the conveyance route down Merthyr Road.

Details submitted with the application indicates that surface water will be disposed of using a Sustainable Drainage System however, the Flood Risk Management Officer notes that no details have been submitted for review. It is therefore recommended that a drainage condition be imposed upon any grant of planning consent. A further condition is recommended by Welsh Water to ensure that no surface water and/or land drainage is to connect to the public sewerage network.

Whilst these recommended conditions are noted, the proposed development would be subject to a SUDS consenting regime and the recommended conditions in this regard are therefore not necessary.

### **Ecology**

The application is supported by a Bat Survey which confirms that the building is being used as a bat roost by both Brown Long Eared Bats and Soprano Pipistrelles. The developer will therefore be required to obtain an EPS Licence prior to any works to demolish the building commence.

The proposed development includes a series of mitigation measures, including the provision of a stand-alone bat roost building within the rear garden of plot 8 and the provision of a bat box on the side elevation plots 1 and 8. Further House Sparrow and Swift boxes are also proposed on the side elevations of plots 1, 5/6 & 7.

The details have been reviewed by both the Council's Ecologist and NRW, neither of which raise any significant concern with regards to the proposal. However, it is recommended that a condition to secure detail of an existing lighting plan be imposed upon any grant of planning consent. A S106 agreement to secure the long-term management and maintenance of the bat roost building is also required.

In light of the comments received from NRW and the Council's Ecologist, the proposal is considered to provide sufficient and appropriate mitigation measures to mitigate against the loss of the existing bat roost and, subject to the recommended condition and S106 agreement, the proposal would comply with Policy AW8 of the Rhondda Cynon Taf Development Plan.

### **Land Contamination**

The Council's Public Health and Protection team have indicated that the site was previously occupied by a printing business and they therefore considered that there is potential for contamination to existing on site. As such, standard contaminated land conditions are recommended.

### **Listed Building**

The application site lies immediately to the north-east of a Memorial Park which contains a Listed War Memorial. Consultation has been undertaken with Cadw however, no response had been received at the time of writing this report.

The Memorial is set within the grounds of the park and given the relationship between the site and the memorial, and the line of trees that lie along the common boundary that are to be retained, it is not considered that the proposal would have an adverse impact upon either the Listed Building itself, or its immediate wider setting.

### **Trees**

As indicated above, the south-western boundary of the site is lined by a number of mature trees which are set within the adjacent Memorial Park. The application is supported by an Arboricultural Report which confirms that no trees are required to be removed to facilitate the proposed development and a root protection area has been set out to ensure that any potential damage to the trees is appropriately managed. The report indicates that with the retention of the boundary fencing, an arboricultural watching brief for excavation works/hard surface removal and low impact foundation designs within the root protection area will ensure no significant long-term adverse impact to any of the retained trees. It further confirms that the overall design of the proposal has considered the size and value of the trees to minimise any future pressures to heavily prune or fell the higher value trees, and it is concluded that compliance with the tree protection scheme detailed in section 6 of the report will ensure that no significant long-term adverse arboricultural impact will occur on the health of any retained trees adjacent to the site, or the long-term amenity of the area.

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

*Tenure and Need for Development*



The vast majority of objections received raise concerns with regards to the tenure of the proposed dwellings given that the development would be 100% affordable and given that it would also incorporate 4 no. self-contained flats. Any concern relating to the matter of tenure, whether a new property is to be owner-occupied or rented and regardless of the owner, landlord or the background of any potential occupier is not material to a planning decision. The properties would fall within Use Class C3, which is the same as any other dwelling bought and occupied by an individual or family. Whilst one objector provides some comparison of crime rates between areas with known affordable units with areas known to have none or few, it would be the responsibility of the Registered Social Landlord to appropriately manage any potential issues that might arise. Furthermore, South Wales Police have not objected to the proposal and has provided observations and recommendations based on the current crime profile for the area in order for application to achieve the Secured by Design (SBD) Gold Award, which would be required for all grant-funded social housing in Wales. The comments received indicate that SBD housing developments experience 87% less burglary, 25% less crime and 25% less criminal damage, and they also have a significant impact on anti-social behaviour.

Residents further believe that there is no requirement for social housing in the Llwydcoed area however, as mentioned above, the scheme has been designed in dialogue with the Council's Housing Strategy Team to help address the need for affordable housing within the Llwydcoed area with the unit mix and tenure proposed being in accordance with the Local Housing Market Assessment 2022/37.

It is further noted that residents raise concern that the development would set a precedent for further affordable housing in the area. Whilst this is noted, as set out above, there is a clear need for affordable housing in the local and wider area, and any future application for further housing, affordable or not, will be considered on its own individual merit.

One letter also suggests that a number of recent applications for residential development have not been required to provide for any affordable housing and it is not understood why this development now includes 100% affordable housing. Policy NSA11 requires proposals for residential development to provide at least 10% affordable housing on sites of ten units or more. The most recent applications for residential development in the Llwydcoed area have not met the 10-unit threshold for affordable housing to be provided. In this case, it is noted that only 8 units are proposed however, that is not to say that the development should not contain any affordable housing.

#### *Property Values*

A number of objectors have raised concern that the proposed development would impact upon property values in the area. However, this is not a matter that is material to planning.

#### *Previous Permission*

It is noted that residents would prefer to see the previous permission for 5 no. private dwellings being implemented however, this application must be considered on its own merit, and should Members resolve to approve the application, it would be up to the developer to determine which scheme to develop.

### *Construction Noise and Disturbance and property damage*

A number of objectors raise concern that the construction phase of the development would result in significant noise and disturbance to surrounding residents and whilst this is noted, no development would ever be implemented if concerns of noise and disturbance were used as reasons to refuse permission. It is accepted that the development would result in some degree of noise and disturbance however, this would be for a temporary time period only and would not be reason to refuse planning permission. Furthermore, there is separate Environmental Health legislation available, if such activities became a statutory nuisance.

In terms of the boundary wall adjacent to no. 6, the plans indicate that this would be retained. The developer would need to enter into a private Party Wall agreement with the neighbour should any works be required to the wall. Furthermore, any damage done to this or any other property during construction would be a private matter between the developer and neighbouring occupiers.

### *Local Resources*

A number of objectors raise concern with regards to the impact the development would have on local services and whilst this is noted, it is not an issue that is unique to the Llwydcoed area and the same applies to areas where little or no development has taken place. Indeed, the development is of a minor scale with just 8 no. units proposed and, given that consultation on the Local Development Plan was undertaken on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units, whereas the number that has been delivered is far lower, this scheme of 8 no. units is a very small proportion of that larger housing requirement.

### *Other Suggested Uses*

It is noted that a number of objectors make suggestions for the retention of the existing building and potential community uses for it. Whilst these suggestions are noted, the Council must consider every application that comes forward on its own individual merit and it is therefore outside of the parameters of the planning system to influence where development is proposed, or indeed the type of development that comes forward. As such, the proposal will be considered on the basis of the information submitted.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW12 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

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

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

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

- **Creating and Sustaining Communities:** The development density is appropriate for this location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Making Best Use of Resources:** The development accords with the local and national policy aims to prioritise the use of previously developed land and buildings.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs.
- **Maximising Environmental Protection:** The development would be expected to provide for biodiversity enhancement measures with regard to bats and nesting birds.
- **Facilitating Accessible and Healthy Environments:** The application site is in a sustainable location, being close to a bus route and services and facilities located within walking distance. The development would therefore not be entirely car dependent.

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

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

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

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

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

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

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

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

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

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

1. The developer will be required to enter into a S106 agreement to ensure the long-term maintenance and management of the proposed standalone bat roost building at plot 8. The details to be secured should include the following:
  - a) Detail the monitoring, management and maintenance of the bat house (which are to be agreed).
  - b) Secure the implementation of (a) above.
  - c) Detail the tenure of the bat house.
  - d) Provide details of the financial measures to secure implementation of the above.
  - e) Secure drawings setting out areas to be covered by the long-term obligation.
2. The development would provide 100% affordable housing, which would accord with Policy NSA11 of the Rhondda Cynon Taf Local Development Plan. These would need to be secured via a S106 agreement to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

### **Conclusion**

The proposed development and residential use of the site is considered acceptable in principle. The layout of the site and the scale, design and overall visual appearance of the proposed dwellings are considered acceptable in the context of the surrounding area and, it is further considered that the development would have no adverse impact upon the amenity and privacy of neighbouring properties. Furthermore, the development would provide a betterment in terms of highway safety with a number of improvements being made to the junction and road at Corner House Street.

## **RECOMMENDATION: Approve, subject to S106 Agreement and Conditions**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 22<sup>nd</sup> December 2023, 8<sup>th</sup> January 2024, 12<sup>th</sup> February 2024 and 5<sup>th</sup> March 2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan
- Drawing No. 2251-20E: Proposed Site Plan
- Drawing No. 2251-21: Plots 1-6 (Floor Plans)
- Drawing No. 2251-23: Plots 7-8 (Floor Plans)
- Drawing No. 2251-24: Plots 7 -8 (Elevations)
- Drawing No. 2251-25: Plots 1-6 (Elevations)
- Drawing No. 2251-25A: Bat Roost
- Drawing No. 2251-26: Bin and Cycle Store
- Soft Landscaping Proposals
- Green Infrastructure Survey

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

3. Before the development is brought into use, the means of access, together with the parking and turning facilities shall be laid out in accordance with the submitted plan ref. 2251-20 REV E and approved by the Local Planning Authority. The car parking spaces and turning shall remain for the parking and turning of vehicles in association with the proposed thereafter.

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

4. Notwithstanding the approved plans, building operations shall not be commenced until full engineering design and details of the works to widen existing highway, new footway, vehicular crossovers, vision splay, junction radii, relocation of service pole and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to the beneficial occupation of the first dwelling.

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. Building operations shall not be commenced until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
- a) The means of access into the site for all construction traffic,
  - b) The parking of vehicles of site operatives and visitors,
  - c) The management of vehicular and pedestrian traffic,
  - d) Loading and unloading of plant and materials,
  - e) Storage of plant and materials used in constructing the development,
  - f) Wheel cleansing facilities,
  - g) The sheeting of lorries leaving the site.

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

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

6. Building operations shall not be commenced until details and design calculations of any retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation of the dwellings.

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

7. The development shall be carried out in accordance with Section 6: Arboricultural Method Statement of the submitted Arboricultural Report (by Arboricultural Technician Services Ltd, dated 18<sup>th</sup> December 2023).

Reason: To protect the existing trees adjacent to the site and in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the installation of any external lighting, full details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include:

- Details of the siting and type of external lighting to be used.
- Drawings identifying the areas that will be maintained as dark corridors and areas for the benefit of bats and bat use of the bat roost.
- Drawings setting out light spillage in key sensitive areas, or sufficient other evidence to demonstrate that that external lighting will not adversely affect bat use of the bat roost.

The lighting scheme shall be installed and retained as approved in perpetuity.

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

9. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: The building is of architectural and cultural significance and the specified records are required to mitigate impact, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

10. Building operations shall not be commenced until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

11. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in condition 10 above) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

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

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

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

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

14. The development hereby permitted shall be carried out in accordance with the bat and nesting bird mitigation measures identified in the approved plans (as those listed in Condition 2 above), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

15. Building operations shall not be commenced until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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



## PLANNING & DEVELOPMENT COMMITTEE

21 March 2024

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 24/0017/10 (HB)  
**APPLICANT:** Mr D Cummings  
**DEVELOPMENT:** Single storey and two storey extension  
**LOCATION:** 20 PINEWALK DRIVE, GLYNFACH, PORTH, CF39  
9NL  
**DATE REGISTERED:** 05/01/2024  
**ELECTORAL DIVISION:** Cymer

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The development would provide improved living conditions at the dwelling for its occupants. While it is accepted the works would result in a degree of impact to the amenity standards currently enjoyed by the adjacent properties, it is not considered any potential impact would be significant enough to warrant refusal of the application. Furthermore, it is not considered the development would have any significant impact upon the character and appearance of the site or surrounding area.

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

Three or more letters of objection have been received from occupiers of adjacent neighbouring properties.

#### **APPLICATION DETAILS**

Members are advised the application is a resubmission of a previously refused application that sought a similar scheme, ref. 23/1222/10. The previous application was refused because it was considered the development would result in an unacceptable detrimental impact to the amenity standards of the adjacent properties. Specifically, the previous application was refused due to the views from the side elevation first floor windows which would have resulted in an unacceptable level of overlooking. In an attempt to overcome the previous concerns this resubmission seeks an extension of the same scale and height as that previously proposed, but with the first-floor bedroom window being of a smaller scale and opaque glazed and the first-floor bathroom window placement now sited facing forward and not on the side elevation.

Specifically, the current scheme proposes full planning permission for a two-storey extension and single storey extension to the rear and side of 20 Pinewalk Drive. The proposal is as follows:

- The ground floor aspect would be set in from the northwest side elevation boundary by 0.15m and would have a width of 7.3m. The depth would be 4m from the existing rear elevation and would also connect to the existing integrated garage and have a 1.8m section with a maximum depth of 5m. The first-floor would be set in from the northwest curtilage boundary by 1.4m with a maximum width of 6.05m. The first-floor aspect is slightly shallower in depth and extends past the existing rear elevation by 3.5m and would also build above the existing garage providing a 1.8m section with a maximum depth of 4.5m. The extension would have a flat roof with a height of 5.9m.

The side elevation of the extension would be a minimum of 1m and maximum of 2.2m from the side curtilage boundary with the neighbour, 21 Pinewalk Drive. Internal modifications are also proposed including an obscure glazed side elevation bedroom window to the existing dwelling, front elevation bathroom window to the new habitable space, rear windows and ground floor windows and access doors to the rear amenity space.

External materials include brickwork and external walls to match the existing and white UPVC windows, doors and fascia's.

## **SITE APPRAISAL**

The application property is a semi-detached house, attached on its northwest elevation, located within a residential area to the south of Porth and east of Cymmer. The dwelling occupies a prominent position within the area occupying a plot close to the junction of Pinewalk Drive and Glyn Street. The terrain falls away significantly down the street in a north-west direction and increases in height gradually towards the dwellings to the east and south-east. The closest dwelling to south-east is number 21 Pinewalk Drive which is sat at a higher ground level and has a principal elevation facing south, whereby number 20 Pinewalk Drive's front elevation faces south-west. The rear garden of 21 Pinewalk Drive tapers to a point along number 20 Pinewalk Drive's side curtilage boundary. There is a distance of approximately 2m from the existing ground floor garage to the closest corner of 21 Pinewalk Drive. To the rear is a flat garden extending approximately 14m and further onwards an open landscape view. To the front is an enclosed driveway and access road to Pinewalk Drive.

Although the other dwellings within the cul-de-sac are of the same 1960's/70's era, many have been subject to extension and modification.

## **PLANNING HISTORY**

23/1222/10, Rear single and two storey extension (Amended plans received 08/12/2023), Refused, 22/12/2023.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties. 3 letters of objection have been received. In summary they include:

- Impact on the character and appearance of the area in terms of scale, appearance and remainder of the street.
- Impact upon the residential amenity of neighbours (overbearing, overshadowing, loss of privacy, location of the ground floor external door).
- The application does not conform to the 45 degree rule.
- Loss of views.
- Loss of house value.
- Concerns over land stability.

## **CONSULTATION**

No consultation has been undertaken.

## **POLICY CONTEXT**

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

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

The site is within a settlement boundary but is not allocated for any specific purpose.

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

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

### **Supplementary Planning Guidance**

- Design and Placemaking
- A Design Guide for Householder Development

### **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 7<sup>th</sup> February 2024. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) current policy position 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. The thrust and general context of each of the policy documents is aimed at sustainable development.

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

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

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application relates to the extension of an existing residential dwelling within settlement limits, to improve living conditions for residents. The principle of such development is considered acceptable.

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

Public comments have been received on the impact upon the amenity of neighbours including overbearing to number 21, overshadowing to number 21 and 19, a general loss of privacy and a loss of views to the surrounding Valley.

While these concerns are acknowledged, it is not considered the extension would have a significant overshadowing impact due to the overall orientation of the development, the difference in terrain levels and the relationship with neighbouring properties. Although the extension would add a mass nearby the rear garden of number 21 Pinewalk Drive, there is already an element of overshadowing from the existing buildings and this is somewhat softened by number 21 Pinewalk Drive being sited at a higher ground level. Further, the extension would be set away from the boundary of number 19 reducing any potential impact here. Therefore, it is not considered the addition would result in an unacceptable overshadowing impact to the neighbours either side.

The objectors make specific reference to the 45 degree rule, however, this is just a general guide and not an adopted policy. As such, while it is accepted a degree of overshadowing would occur, with the proposal considered acceptable in this respect, any impact would not itself be considered a significant enough reason for refusal.

The extension will result in a degree of overbearing due to its overall mass and its proposed width which will move the side elevation wall 1.8m closer to number 21 Pinewalk Drive. Whilst this will undoubtedly have an impact, the first-floor aspect is slightly shallower and due to the change in terrain levels the overall impact would be mitigated somewhat. The extension is located away from the boundary of number 19 Pinewalk Drive and therefore would not have a significant direct overbearing impact here. On this basis, on balance, it is not considered the proposed addition would have a significant enough overbearing impact on the neighbours that would warrant a refusal on those grounds alone. Further, while it is noted the side elevation wall will impact the outlook of number 21 Pinewalk Drive, it is not considered any impact would be to unacceptable levels due to the open nature of the rear elevations of neighbours and the change in terrain levels. The views across the Valley will be impinged slightly for number 21 Pinewalk Drive and to a lesser degree number 22 Pinewalk Drive, however loss of views cannot be considered as material planning consideration.

The proposal includes 1no. first floor side elevation bedroom window due to necessary internal alterations within the existing house because of the proposed extension. The window would directly face the rear elevation of the adjacent number 21 Pinewalk Drive. The plans indicate this window would be a high-level opaque glazed opening which is considered to sufficiently reduce the overlooking and potential light spill impact. The proposed en-suite window would be within the principal elevation and does not serve a habitable room. It is therefore considered the level of light spill would not be at an unacceptable level. The rear bedroom window would also not increase the level of mutual overlooking already seen within the vicinity of the area. Comments have been received relating to the placement of the ground floor rear door. On this occasion, due to the existing boundary treatments the door placement is not considered to impinge significantly on the amenity of number 19 Pinewalk Drive.

Subsequently, when considering the impact of the extension and associated internal modifications necessary in respect of neighbour amenity, the proposal, on balance, is considered acceptable and compliant with Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG on householder development.

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

Public comments have been received on the basis of the proposal being inconsistent with the character and appearance of the area which they comment are all issues contrary to the Council's householder design guide SPG. Whilst it is acknowledged a flat roof extension is not a preferred roof type, this design is typical for extensions in this area and with the extension predominantly located to the rear, it would only be partially visible from the principal elevation. Although visible from neighbouring properties, the extension would be subservient to the host dwelling, would have materials to match the existing and overall is not considered to dominate the overall façade of the plot.

Therefore, whilst there will undoubtedly be an impact upon the character and appearance of the existing dwelling/site and the surrounding street scene, it is not considered any impact would be significant enough to warrant a refusal on visual grounds.

### **Other Matters**

#### *Reduction in house price*

Comments were received concerning the potential impact upon house values. Whilst these are noted, they do not form a material planning consideration.

#### *Instability of the land*

The plot of land has been previously developed and is within the curtilage of a dwelling. No further engineering works are required, beyond that associated with the extension, and any previous land issues cannot be considered as a material planning consideration of this application.

#### *Alternate Designs*

Comments were received suggesting alternate designs for the application. Whilst this is noted the role of the Local Planning Authority is to assess the plans that have been received, which in this case are considered acceptable (as set out above).

### **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 extension and associated works are considered to comply with the relevant policies of the Local Development Plan in respect of the impact they would have upon the character and appearance of the application property and surrounding area and upon the amenity and privacy of existing neighbouring properties.

**RECOMMENDATION: GRANT, SUBJECTO TO CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Application form
- Proposed Ground Floor Plan Sheet 7 of 13 Rev A
- Proposed First Floor Plan Sheet 8.1 of 13 Rev A
- Proposed Rear Garden Elevation Sheet 9 of 13 Rev B
- Proposed Driveway Elevation Sheet 10 .1of 13 Rev D
- Front Elevation Sheet 11.1 of 13 Rev B

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

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## PLANNING & DEVELOPMENT COMMITTEE

21 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 26/02/2024 – 08/03/2024

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**

**21 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**

No new appeals  
No appeal decisions

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

**Report for Development Control Planning Committee**

**26/02/2024 and 08/03/2024**

**Aberaman**

**22/1440/16** Decision Date: 27/02/2024  
**Proposal:** Approval of Reserved Matters Pusuant to Planning Permission ref. 21/1388/13 (Construction of one dwelling) (Amended Proposed Site Layout Plan and Site Sections Rec. 06/02/24)  
**Location:** PLOT 1, RIVERSIDE, FARM ROAD, ABERAMAN, ABERDARE, CF44 6LJ

**22/1441/16** Decision Date: 27/02/2024  
**Proposal:** Approval of Reserved Matters Pusuant to Planning Permission ref. 21/1388/13 (Construction of one dwelling) (Amended Proposed Site Layout Plan and Site Sections Rec. 06/02/24)  
**Location:** PLOT 4, RIVERSIDE, FARM ROAD, ABERAMAN, ABERDARE

**24/0084/01** Decision Date: 04/03/2024  
**Proposal:** Aldi entrance sign, opening times, promotional image, 2 no. wall hanging signs of the Aldi Logo, 2 no. retail park signage of the Aldi logo, Totem pole sign showing the Aldi logo and opening times of What! Store in the  
**Location:** ALDI STORES LTD, UNIT 1A, ABERAMAN PARK INDUSTRIAL ESTATE, ABERAMAN, ABERDARE, CF44 6DA

**Abercynon**

**23/1433/15** Decision Date: 28/02/2024  
**Proposal:** Variation of condition 2 (approved plans) of previously approved planning application 23/1163/10 to increase the number of bedrooms within self-contained flat B from 1 to 3 utilising floor area of rear annexe.  
**Location:** TYNTE HOTEL PUBLIC HOUSE, MAIN ROAD, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4YH

**Aberdare West and Llwydcoed**

**23/1069/16** Decision Date: 29/02/2024  
**Proposal:** Application for reserved matters approval (appearance, landscaping, layout, access and scale) and discharge of conditions 3 (Tree Protection), 5 (Boundary Treatment Plan), 6 (Materials), 11 (Construction Method)  
**Location:** THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT

**Brynna and Llanharan**

**23/1012/10** Decision Date: 05/03/2024  
**Proposal:** Single storey rear extension, demolish conservatory  
**Location:** 18 WESTBOURNE TERRACE, LLANHARAN, PONTYCLUN, CF72 9RW

**24/0001/10** Decision Date: 27/02/2024  
**Proposal:** Partial change of use of the ground floor of the High Corner Hotel, currently A3 (pubs) & C1 (Hotels) to part A1 (Shops)  
**Location:** THE HIGH CORNER HOTEL, THE SQUARE, LLANHARAN, PONTYCLUN, CF72 9NR

**24/0019/15** Decision Date: 04/03/2024  
**Proposal:** Variation of condition 2 - alternative arrangements for rear elevation fenestration and inclusion of concealed balcony area with cantilevered roof over. Dispense with attic conversion (21/1049)  
**Location:** MELVYN WINE CELLARS, REGENT STREET, TREORCHY

**Cilfynydd**

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

**Report for Development Control Planning Committee**

**26/02/2024 and 08/03/2024**

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**22/0939/10** Decision Date: 07/03/2024  
**Proposal:** Demolition of existing barns and construction of new dwelling in their place (Barsn B & C) (amended plans, application forms and description received 14/12/23, 19/01/24, 26/01/24).

**Location:** BODWENARTH FARM, ALBION COURT, CILFYNYDD, PONTYPRIDD, CF37 4JA

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**23/1377/10** Decision Date: 07/03/2024  
**Proposal:** Demolition of existing barn and construction of new dwelling in its place (Barn A).

**Location:** BODWENARTH FARM BARNS, ALBION COURT, CILFYNYDD, PONTYPRIDD

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**Cwm Clydach**

**23/0230/10** Decision Date: 07/03/2024  
**Proposal:** Detached bungalow

**Location:** PLOT 1, LAND TO THE NORTH OF SUNNY BANK, CLYDACH, TONYPANDY

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**Gilfach-goch**

**24/0021/10** Decision Date: 28/02/2024  
**Proposal:** Proposed first floor rear extension above an existing single storey extension

**Location:** 65 HIGH STREET, GILFACH-GOCH, PORTH, CF39 8SR

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**Pen-y-graig**

**23/1267/13** Decision Date: 01/03/2024  
**Proposal:** Outline Consent for 3 no. detached houses.

**Location:** LAND ADJ TO PEN Y DRE, KERSLAKE TERRACE, PEN-Y-GRAIG, TONYPANDY

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**24/0029/10** Decision Date: 29/02/2024  
**Proposal:** Detached garage

**Location:** 70 HENDRECAFN ROAD, PEN-Y-GRAIG, TONYPANDY, CF40 1LW

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**Pontyclun Central**

**23/0854/10** Decision Date: 01/03/2024  
**Proposal:** Detached three bedroom dwelling.(Coal Mining Risk Assessment received 15/09/23)(Site/highway plan received 17/01/24)

**Location:** RAILWAY TERRACE, TALBOT GREEN

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**Pontyclun West**

**24/0061/10** Decision Date: 06/03/2024  
**Proposal:** Erection of Storage Container

**Location:** IVOR PARK FOOTBALL PITCH, COWBRIDGE ROAD, BRYNSADLER, PONT-Y-CLUN

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

**Report for Development Control Planning Committee**

**26/02/2024 and 08/03/2024**

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**Taff's Well**

**24/0007/15**

Decision Date: 29/02/2024

**Proposal:** Variation of condition 5 (opening hours) of previously approved planning application 23/0949/10 to alter the operating hours of the proposed D1 and D2 use to between 06:00 - 21:00 daily.

**Location:** 7 CARDIFF ROAD, TAFF'S WELL, CARDIFF, CF15 7RA

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**Treorchy**

**23/1442/23**

Decision Date: 01/03/2024

**Proposal:** Prior Approval under Part 11A of the GDPO for proposed alterations to the Grade II listed Tyla Coch footbridge.

**Location:** TYLACOCK FOOTBRIDGE, TREORCHY

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**Tylorstown and Ynyshir**

**24/0015/10**

Decision Date: 29/02/2024

**Proposal:** Temporary Rural Enterprise Dwelling

**Location:** TY MYNYDD FARM, CEFN-LLECHAU ROAD, STANLEYTOWN, FERNDAL, CF43 3EY

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**Ynysybwl**

**23/1404/15**

Decision Date: 01/03/2024

**Proposal:** Extend the time consent of condition 1 by a further 5 years of previous planning permission 18/0905/13

**Location:** LAND WEST OF HIGH STREET, YNYS-Y-BWL, PONTYPRIDD

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**Ystrad**

**23/0346/10**

Decision Date: 29/02/2024

**Proposal:** Change of use from commercial to residential.

**Location:** A ONE CLEANERS, 55 GELLI ROAD, GELLI, PENTRE, CF41 7LY

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Total Number of Delegated decisions is 21

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Report for Development Control Planning Committee

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**Aberdare East**

23/1413/10

Decision Date: 28/02/2024

**Proposal:** Conversion of the ground floor area (rear) to include an additional apartment

**Location:** NEW LOOK, 58 CARDIFF STREET, ABERDARE, CF44 7DG

**Reason: 1** The proposed development is considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's Supplementary Planning Guidance: Development of Flats – Conversion and New Build as the habitable rooms within the flat would not benefit from a reasonable outlook

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**Bryinna and Llanharan**

24/0004/10

Decision Date: 07/03/2024

**Proposal:** Change of use of land south of 1 Parc Bryn, CF72 9TT to garden curtilage, 1.8m high fence, construction of greenhouse

**Location:** 1 PARC BRYN DERWEN, LLANHARAN, PONTYCLUN, CF72 9TT

**Reason: 1** The proposed change of use, to form a residential extension of garden curtilage and construction of garden building in a green wedge is considered inappropriate and does not have sufficient justification to encroach onto the green wedge, would prejudice the openness of the landscape and result in incremental loss of green space contrary to Policy AW5 and Policy SSA22 of the Rhondda Cynon Taf Local Development Plan and the Rhondda Cynon Taf Green Wedge Topic Paper 2008.

Additionally, the proposed development would result in an unbalanced settlement boundary and provide the residential dwelling with a significantly larger curtilage than the surrounding street-scene significantly altering the character and appearance contrary to Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

**Reason: 2** There is insufficient information to appropriately assess the ecological impacts of the development which is contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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**Report for Development Control Planning Committee**

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**Trealaw**

**24/0063/10**

Decision Date: 07/03/2024

**Proposal:** Proposed two storey extension, garage and terrace access to garden.

**Location:** IVY COTTAGE, STATION ROAD, TREALAW, TONYPANDY, CF40 2PL

**Reason: 1** By virtue of its scale, design and resulting mass, the proposed roof terrace access would form a dominant and unsympathetic addition to the host property, significantly detracting from its existing traditional, attractive character and appearance. As such, the proposal would be contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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**Ynysybwl**

**23/1320/13**

Decision Date: 05/03/2024

**Proposal:** Demolition of 3 garages and construction of a dwelling house with off street parking and garden (Outline).

**Location:** LAND ADJ TO 91 NEW ROAD, YNYSYBWL, PONTYPRIDD

**Reason: 1** The proposed development, by virtue of its scale, would represent an overdevelopment of the site and would fail to provide adequate levels of outdoor amenity space and would not meet the living standards of future occupants. The proposal is considered contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and contrary to the Council's Design and Placemaking Supplementary Planning Guidance.

**Reason: 2** The proposed development, by virtue of its scale and massing would constitute an unsympathetic development and overdevelopment of the site which would appear incongruent within the streetscene and harm the character of the site. The development is therefore considered contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan, and contrary to the Council's Design and Placemaking Supplementary Planning Guidance

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Total Number of Delegated decisions is 4