



## **PLANNING & DEVELOPMENT COMMITTEE**

**20 MAY 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0207/08 (EL)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** New fifteen space car park, including one disabled bay and drop off area.  
**LOCATION:** LONG MEADOW CLOSE, HIRWAUN  
**DATE REGISTERED:** 22/02/2021  
**ELECTORAL DIVISION:** Hirwaun

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**RECOMMENDATION:** Approve, subject to conditions

**REASONS:** The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the development to provide additional car parking in connection with Hirwaun Primary School is considered acceptable in terms of its impact upon highway safety, the character and appearance of the area and residential amenity of neighbouring occupiers.

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

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

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of a fifteen-space car park, including one disabled bay and drop off area on a parcel of land located off Long Meadow Close, Hirwaun.

The car park would be bounded to the west by Manchester Place, where access to the car park would be formed. To the south it would be bounded by Long Meadow Close, onto which traffic would exit, as the car park would operate on a one-way system. A footpath would be formed at the perimeter of the car parking spaces, which would connect with Manchester Place and Long Meadow Close. Minor re-profiling of the land would be required in order to create a level parking area. To the east of the car park a shallow attenuation pond would be formed on the grassed/ landscaped area that is to be retained.

The development is required to provide to provide additional car parking for Hirwaun Primary School, as required by condition 10 of planning permission 19/0685/08, which states:

*Notwithstanding the details shown on the submitted plans, full engineering design and details of additional parking to provide pick up and drop off facilities shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved details must be implemented prior to beneficial use of the new school.*

*Reason: In the interests of highway and pedestrian safety,*

## **SITE APPRAISAL**

The application site extends to 0.2 hectares and is located at Long Meadow Close, Hirwaun. The site currently consists of an open area of grass. The site is bounded to the west by Manchester Place and to the south by Long Meadow Close. To the north the site is bounded by the rear of properties fronting Brecon Road. Hirwaun School is located to the far east of the site, also accessed off Long Meadow Close. The area surrounding the site is predominantly residential in character.

## **PLANNING HISTORY**

18/1083	Land to the rear of Brecon Road and adjacent to Long Meadow Close, Hirwaun	Residential development	Withdrawn 04/07/19
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## **PUBLICITY**

The application was advertised by direct neighbour notification and site notice. 2 letters of representation have been received which are summarised as follows;

- Questions are raised with regard to the legality of any planning permission that may be approved on the land in question.
- Questions are raised with regard to the land ownership of the site. It is claimed that the land in question was part of their property.
- Questions are raised with regard to how the proposals promote the objectives of the travel plan, and promote sustainable modes of travel.
- It is commented that the land is a designated 'green space'.
- The matter residents 'right of access' across the land to the rear of their properties is raised.
- Questions are raised with regard to the consultation process with neighbours.
- It is claimed by a resident of Brecon Road that there is a right of way to the rear of their property and that the development will no longer allow vehicular access to the rear of their property, which they claim to have used since 1990.
- Reference is also made to the 'Crichel Downs Rules' which require that in certain circumstances, surplus government land that was acquired by, or under a threat of, compulsion, is offered back to former owners, their successors, or to sitting tenants

## **CONSULTATION**

Transportation Section – no objections raised.

Public Health & Protection – no objections raised, informative notes recommended.

Dwr Cymru – no objections raised. It is noted that the site is crossed by a public sewer.

Land Reclamation and Drainage – no objections raised.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

Indicates that the site is inside the defined settlement limits and is unallocated.

AW2 promotes development in sustainable locations.

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

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

AW10 sets out the criteria for environmental protection and public health

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

### National Guidance

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

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

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

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

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities

## **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**

This application seeks full planning permission for the construction of a fifteen-space car park, including one disabled bay and drop off area on a parcel of land located off Long Meadow Close, Hirwaun. The development is required to provide additional car parking for Hirwaun School, as required by a condition attached to the planning permission for the construction of the school.

As such, the key consideration in the determination of the application is the impact of the development on highway safety in the vicinity of the site. The potential impacts upon the character and appearance of the site and the amenities of the occupiers of nearby residential properties are further considerations.

### Background

By means of background, planning permission was approved in August 2019 for the construction of a new combined junior and infant primary school facility with associated facilities, to replace the previous Hirwaun School buildings. As a result of the construction of the new school, it was noted that capacity would increase from 265 to 450 pupils.

As part of the assessment of the original 2019 planning application, matters relating to car parking provision were considered in detail. The assessment of the Transportation Section found that sufficient car parking provision for the proposed 16 classroom school was made within the scheme. However, it was noted that there was potential for the three Multi Use Game Area (MUGA) pitches (which formed part of the scheme) to be used by others, which in turn would require additional parking provision. It was calculated that approximately 15 additional spaces (for 30 users) would be required in connection with this element of the scheme, with none being proposed as part of the original development and no space being available within the site to provide this additional parking. In addition to this, it was commented that the drop off and pick up of pupils took place on the substandard local highway network and often resulted

in indiscriminate parking and reversing to the detriment of the safety of all highway users.

However, at the time of the application it was established that there was potential to provide additional car parking, along with a drop off- pick up area, on land which, although outside of the application site, was within the control of the applicant. As such, a condition to this effect was attached to the permission.

Following the approval of the application the Council's Education Section confirmed that the Multi Use Game Area (MUGA) would no longer be made available for wider public use. However, it was found that there was still demand for additional car parking to serve the school and it was still possible that in the future the MUGA may be opened up for public use; therefore there was still a need for the additional car parking. As such, the current car parking scheme has been prepared and submitted for consideration, in order to satisfy the requirements of the earlier planning condition and to address potential highway safety concerns that have been identified.

### Highway Safety

In order to aid in the assessment of the highway safety implications of the development, consultation has been undertaken with the Council's Transportation Section.

Their observations reiterate points identified in the earlier 2019 application, these being that the new school has resulted in an increase in pupil numbers, which in turn has increased potential 'pick up and drop off' vehicular movements by parents. A travel survey was undertaken for the existing school, which indicates that 53% of pupils still travel to school by car, despite being within the expected catchment area to travel on foot. It is noted that parents will inevitably choose the most convenient mode of travel to transport pupils, especially in inclement weather conditions.

It is commented that the proposed development would provide pick up and drop off facilities for the school, which would reduce congestion at the start and end of the school day. In turn, the provision of a dedicated one-way pick up – drop area would reduce reversing movements in close proximity to the school gates. It is commented that reversing movements cause a disproportionately large number of moving motor vehicle accidents, therefore such improvements are in the interests of safety of all highway users.

The proposal provides a 15 space car park along with lay-by for pick up and drop off facilities. The Transportation Section comment that the number of car parking spaces provided is in line what experience has shown to be required in connection with most schools. In terms of access it is noted that this would be formed from Manchester Place, with vehicles exiting onto Long Meadow Close, which is considered acceptable for safe vehicular and pedestrian movement. The layout also accommodates pedestrian access via 2.0m footways, which is considered acceptable for safe pedestrian movement. Outside of the car park, it is noted a pedestrian access will also be maintained to the rear of the properties on Brecon Road.

Overall, their observations conclude by stating that the proposed car park has been designed in accordance with the Council's Supplementary Planning Guidance: Access, Circulation & Parking 2011 and its provision would ease congestion on the Long Meadow Close by providing facilities for pick up and drop off and as such would improve the safety of all highway users. Therefore, the proposals are considered to be acceptable and in accordance with the requirements of policy AW5 of the Local Development Plan.

### Character, Appearance and Amenity Impacts

As set out above, the application site consists of an open area of grass, bounded to the west by Manchester Place, to the south by Long Meadow Close and to the north by the rear of properties fronting Brecon Road. Hirwaun Primary School is located to the far east of the site, also accessed off Long Meadow Close. In this regard, the site is well positioned to serve as additional car parking being bounded by two roads, means that the design of the layout has been able to incorporate a one-way arrangement, which in turn will assist with the flow of traffic. It is also positioned in close proximity to the school, being less than 100 metres from the site. In visual terms the car park is uncomplicated in its layout, with the spaces and 'drop off' bay arranged around a central access and a pedestrian footway at the perimeter of this. The scheme would involve some minor reprofiling works in order to create a level area for the road and parking, however these works would not result in a significant change in levels across the site. Whilst the formation of the car park would clearly result in the loss of some of the grass area, landscaped areas would be retained at the perimeter of the site and the 'open aspect' of the space would be retained as no buildings are proposed on the land. As such, it is not considered that the creation of the car park would result in significant visual harm to the established character of the area.

It is acknowledged that the area surrounding the site is predominantly residential in character, as such regard should be had, to the potential impacts of the development upon the amenities of neighbouring occupiers. Whilst the development would clearly be visible from the dwellings located on the three roads that bound the site, it is considered that reasonable separation distances would be maintained between the area where vehicles would park and the dwellings themselves, with the properties on Manchester Place and Long Meadow Close being separated from the site by the highway itself. In the case of the properties fronting Brecon Road, the car park would be visible from the rear of these dwellings, however, with separation distances in the region of 18 metres (from the pedestrian footway to the rear of the closest dwelling) it is not considered that significant harm would result to the levels of amenity or privacy currently enjoyed by the occupiers of these properties. It is also likely that the greatest degree of activity in the use of this facility would occur at the beginning and end of the school day, when the area is already busy with 'comings and goings' associated with the school.

### **OTHER MATTERS**

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

Following the publicity of the planning application two letters of representation were received in connection with the proposal. The content of these is summarised above, however some of the main points raised relate to the ownership of the site, rights of access over the land and the legality of any planning permission that may be approved on the site.

### Land Ownership

Whilst matters relating to land ownership are not in themselves material planning considerations, the issue has been investigated. In terms of land ownership, it has been formally established that the Council is the owner of the land in question. Furthermore, the Council is in possession of the legal conveyances from when the land was acquired (by the Council) and in addition the various official copies have been obtained from the Land Registry portal. The Council's Legal Section have confirmed that the aforementioned documentation has been reviewed and rechecked, therefore it is not considered that the ownership of the land is a matter in dispute.

In terms of process, the Council has followed the correct procedures in preparing and submitting the planning application. Planning permission for the construction of the school was approved in August 2019 and, as set out in preceding sections of the report, a condition of this consent required the submission of further scheme detailing the additional drop-off and parking provision. In the intervening period the Council's Education Section prepared the scheme and subsequently submitted these details as a formal planning application (this submission) in February 2021. This application was then subject to the same publicity and process of determination as any other application for planning permission.

Matters are also raised with regard to residents 'right of access' to the rear of their properties (Brecon Road). It is understood that certain residents claim to benefit from a right of access across the land to gain access to the rear of their properties. The current planning application does not refer to any changes in such 'rights of access' and the development is off-set from the rear boundaries of properties on Brecon Road so would not in itself compromise any lawful access which may exist.

### Community Infrastructure Levy (CIL) Liability

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

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

### Conclusion

Having taken account of all of the issues outlined above, it is considered that the proposals are acceptable in terms of their potential visual, amenity and highway safety impacts. The provision would also improve the parking situation around the school and should help alleviate some of the congestion which occurs at peak hours, in addition to providing further car parking facilities for out of hours activities. As such, it is considered that the proposals comply with the requirements of both local and

national planning policy. Therefore, the application is recommended for approval, subject to the conditions specified below.

**RECOMMENDATION: Grant**

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

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

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

- Drawing no. P222-00-71-04 Drainage Strategy
- Drawing no. P222-00-71-03 Cross Sections
- Drawing no. P222-00-71-02 General Arrangement
- Drawing no. P222-00-71-01 Location Plan & Boundary  
and documents received by the Local Planning Authority on 12/02/21 and 25/03/21 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.