

PLANNING & DEVELOPMENT COMMITTEE

13 JANUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1511/10 (MF)
APPLICANT: Friends of Tyn-Y-Bryn Park
DEVELOPMENT: Construction of a new concrete skatepark within Tyn-Y-Bryn Park.
LOCATION: SITE WITHIN TYNBYRN PARK, TYNBYRN ROAD, TONYREFAIL
DATE REGISTERED: 09/11/2021
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: Approve, subject to conditions.

REASONS: The proposed development would provide the local community with a welcome leisure/sports facility on an area that has been long established as being used for leisure/sports purposes.

The siting of the skatepark is considered acceptable in terms of its visual impact and potential impact upon the amenities of neighbouring residents.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of a skatepark at Tyn-Y-Bryn Park, Tonyrefail.

It is proposed the skatepark be constructed at an unused area of the Park, to the south of the existing 3G sports pitch. The skatepark itself would have a footprint of 35m by 21m comprising a concrete slab at existing ground level with various concrete ramp and metal rail features throughout to a maximum height of approximately 1.2m.

A grassed bank would surround the skatepark extending out approximately 1.5m from the concrete structure, falling from the top of the ramps down to ground level to act as a landscape buffer.

Access would be gained from the existing footpath that runs through the centre of the Park.

The application does not include details of, or seek consent for, any forms of enclosure or lighting.

The applicant has detailed that the skatepark would form a free facility for use by the general public and that the scheme has been conceived following consultation with the community in respect of what sports facilities the residents of Tonyrefail would like to see in the town.

As well as all relevant plans, the application is also supported by:

- Planning Statement

SITE APPRAISAL

The application site comprises an undeveloped parcel of land, but maintained area of grassland, within Tyn-Y-Bryn Park, Tonyrefail. The development plot is located roughly centrally within the Park, south of the existing 3G sports pitch and west of the footpath that runs north to south through the centre of the Park.

The Park currently accommodates football, rugby and cricket pitches, as well as a MUGA and children's play area. It is also noted that the Tonyrefail Leisure Centre and a ten-pin bowling centre are located at the north-eastern extent, beyond which is a large public car park.

There are a number of residential properties located around the Park, but all are a considerable distance from the development plot itself with the nearest being at Tynybryn Road and Heol Ton approximately 100m to the south-east/south-west respectively.

PLANNING HISTORY

There is a long history of planning applications at the site but most relate to works at the leisure centre building rather than the Park itself. As such they are not considered relevant to this application. Therefore, only applications for works at the park have been set out below:

16/0775/08 – New 3G pitch plus additional car parking to rear of the leisure centre.
Decision: Granted, 11/11/16

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. No representations have been received.

CONSULTATION

Highways and Transportation – No objection or conditions suggested. The proposal would have no impact upon the local highway network or parking provision in the vicinity.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered construction matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Flood Risk Management – No objection or conditions suggested. The proposed development works would have to gain separate SuDS approval from the Council as SAB prior to any development works taking place, which would ensure no drainage/flood risk issues would arise.

Countryside, Landscape and Ecology – No objection or conditions suggested. The site is amenity grassland which is intensively managed through regular mowing. It accordingly has little ecological value.

Parks and Leisure – No objection. The department would welcome the enhancement of new leisure/sports facilities at the Park.

Greenspace Development Officer – No objection subject to conditions in respect of tree/root zone protection and landscaping/planting schemes.

Sports Council for Wales – No objection. A skatepark would be a welcome addition to the existing Park and we would therefore support this scheme.

Tonyrefail Community Council – No comment. The Community Council have been involved with this project since its inception and therefore do not think it's appropriate to make formal comments on this planning application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located inside of the settlement boundary for Tonyrefail but is not allocated for any specific purpose.

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

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

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

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

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

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

Policy SSA4 – sets out the criteria for residential, commercial and community development within the Key Settlement of Tonyrefail.

Supplementary Planning Guidance

- Design and Placemaking
- Nature Conservation

National Guidance

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

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

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

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

- Policy 1 – Where Wales will grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 16: Sport, Recreation and Open Space

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Principle of the Proposed Development

The application seeks to provide an enhanced leisure/sports facility within the community through the construction of a new skatepark at the site.

The proposed development would be sited within the grounds of an existing public park where there is already a range of leisure/sports facilities and the principle for this type of use has been long established. Further, the scheme is supported by the Council's Parks and Leisure section and Sport Wales who welcome the development.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Visual Impact

Being of a relatively minor footprint, in comparison to the wider Park and other facilities within it, and of a relatively minor height, the impact of which would be greatly reduced by the landscaped bank that would surround the skatepark, it is not considered the skatepark structure would form an overly prominent feature within the Park.

Further, the proposed skatepark would be located directly south of the existing 3G sports pitch which includes various structures and high enclosures. As such, it is considered the skatepark structure would be seen as a natural extension of the existing development at the Park, reducing any prominence.

It is also noted that skateparks are commonplace in many public parks throughout the County Borough and therefore this type of development would not be considered out of character in this location.

Therefore, whilst it is accepted the proposed skatepark would be visible from views both within and outside of Tyn-Y-Bryn Park, taking account of the scale of the wider park, existing features within it, and the relatively minor works proposed, it is not considered the proposal would be harmful to the Park's overall character and appearance.

Residential Amenity

The closest residential dwellings to the proposed skatepark are approximately 100m away at Tynybryn Road and Heol Ton to the south-east/south-west. Given the separation distance and the relatively minor development works proposed, it is not considered the new structure would have any direct impact upon the outlook from these properties or cause any other form of physical detriment to them.

It is acknowledged however that the skatepark would likely result in noise from activities and users, but this has to be considered in the context of the wider Park, of which the skatepark area would form a relatively minor element.

The existing football, rugby, cricket and children's play facilities are long-established and generate activity, comings and goings and subsequently noise. As such, surrounding residents would be accustomed to a level of disturbance associated with the Park in its current form. The new skatepark would inevitably add to the current levels of noise at the Park, but given the relatively minor scale of the development proposed, it is not considered the additional facility would significantly increase noise levels over and above that which already occur.

Finally, as set out above, skateparks are common features of public parks throughout the County Borough and these areas are considered the most appropriate places to site such facilities, away from residential properties and in areas already in use for leisure/sports purposes.

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

Other Issues

The Council's Greenspace Development Officer commented that, whilst no trees would be removed as part of the scheme, there is some potential for 2 no. mature trees to be damaged during construction as the new access path would run between them. Therefore, appropriate mitigation measures should be implemented on site to ensure no damage occurs, details of which can be provided prior to any works starting on site via condition.

It was also commented that the landscape bank around the skatepark should include a basic grass mix that would not compete with wildflowers and would enable the banks to colonise naturally, as they would eventually become ideal habitats for burying insects/bees. It is considered this would provide the ecological mitigation/enhancement required by PPW for all schemes and therefore a condition to this affect is set out below.

Community Infrastructure Levy Liability

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

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

Conclusion

The proposed development would provide the local community with a welcome leisure/sports facility on an area that has been long established as being used for leisure/sports purposes.

The siting of the skatepark is considered acceptable in terms of its visual impact and potential impact upon the amenities of neighbouring residents.

It is therefore considered the application complies with the relevant local and national planning policies and is acceptable.

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 plans ref:

- Site Location Plan
- 304-P01-01 – Proposed Site Plan
- 304-S01-02 – Civil Detail

and documents received by the Local Planning Authority on 09/11/21 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.

3. Prior to any development works commencing on site, a comprehensive scheme of landscaping, which includes only a basic grass mix that would not compete with wildflowers, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development.

Reason: To provide ecological enhancement and to ensure that the new development will be visually attractive in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to any development works commencing on site, the 2 no. mature trees between which the new access path would be sited shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees during the course of building work in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.