

PLANNING & DEVELOPMENT COMMITTEE

7 JULY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0030/10 (GD)
APPLICANT: BYB Accountancy
DEVELOPMENT: Erection of a fence and gates 1.8 metres high weld mesh along the western boundary, to secure the site and prevent illegal fly tipping (Amended plans received 9th February 2022)
LOCATION: LAND TO THE EAST OF GLYNMYNACH STREET, YNYSYBWL, PONTYPRIDD, CF37 3DT
DATE REGISTERED: 21/03/2022
ELECTORAL DIVISION: Ynysybwl

RECOMMENDATION: Approve

REASONS: The principle of the proposed development is considered acceptable in planning policy terms and the type of fence proposed is acceptable in terms of all other material planning considerations.

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

This application seeks planning permission for the erection of a 1.8m high weld mesh fence for a distance of some 94.4 m on the eastern side of Glynmynach Street, between Clydach House and the southern side of the junction of Glyn Street and Glynmynach Street. The fence then turns eastwards for approximately a further 30 metres along the southern boundary of the site meeting the western bank of the Nant Clydach. It is intended to provide the site with a gated entrance at the eastern end of Glyn Street.

SITE APPRAISAL

The fence is intended to enclose and secure an area of land previously used as a parking area associated with a bus depot land immediately to its north and a former railway line. The parking area remains relatively flat though the eastern side formerly occupied by the railway line initially slopes steeply into the site. The site has become overgrown due to the lack of use with scrub, bramble and self-set trees.

PLANNING HISTORY

51/91/0762 – retention of car parking area – refused 25/09/1992 - allowed at appeal.

PUBLICITY

The proposals have been advertised by means of site notices and neighbour notification letters. A total of three letters objecting to the development have been received raising the following issues: -

- The area is open land and has major community benefits
- The claims of fly tipping at the land are disputed and residents suggest that most fly tipping takes place south of the site.
- The western part of the site is used by parents who take their children to the church nursery as it affords safe parking and access to that facility.
- The fence (as originally submitted) was unacceptable to residents due to its height and type. Making the area look like a prison and detrimentally impacting the mental health of residents.
- The landowner organised an unofficial meeting where he suggested that getting planning permission was a done deal and that planning is only a box ticking exercise and that opposition would be futile. He also advised who to contact in the planning department highlighting the individual was “a good bloke and a good friend “as such there should be a full review of the application and the individuals involved.
- There is also concern at the validity of the landowner’s claims that there is a full treatment plan in place for Japanese Knotweed infestation on the site as no resident has ever seen it being treated. The landowner confirmed it was being done by his mate who worked for the Council, this does not constitute a professional treatment plan and is in no way compliant with Environment Agency regulations for the treatment of controlled substances.
- The proposed development would be highly visible from living room windows opposite and would also block the view of the Mountain.
- If the land is required to be fenced to prevent access for fly tipping why is there a need for a gate? Surely this would negate the very reason for putting up the fence in the first place?

CONSULTATION

Transportation Section – No objections or conditions suggested.

Countryside – No objections

Ynysybwl & Coed Y Cwm Community Council – no objections

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

Policy CS2 - sets out criteria for building strong sustainable communities in the northern strategy area

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 place making, including landscaping.

Supplementary Planning Guidance

Design and Placemaking

National Guidance

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

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

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

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

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The key considerations in the determination of this planning application are the principle of the proposed development, the impact of the proposals on the character and appearance of the area, the impact of the proposal on residential amenity and the impact of the proposals on the highway network.

Principle of the proposed development

The application seeks permission for the reintroduction of boundary fencing to a substantial parking area located to the east of Glynmynach Street. The site lies within defined settlement limits and the revised plans satisfy the key requirements of Local Development Plan policies AW5 and AW6 inasmuch as these are relevant in the determination of this particular application.

Impact on the character and appearance of the area

Historically the site benefitted from a 1.5m high chain link fence along much of its Glynmynach Street frontage this is no longer present. The applicants initially promoted the use of a 2.1m high palisade fence this would have been inappropriate given its proposed location opposite residential property. The revised plans now propose the provision of a 1.8m high weld mesh fence, this is considered acceptable for a residential area and is e.g. frequently applied to school boundaries in residential areas.

Impact on residential amenity

The proposal involves the erection of a fence, most of it opposite long established residential property. The height and type of fence is considered appropriate to the location and its impact on residential amenity acceptable. As such, the proposed development is considered acceptable in respect of Local Development Plan Policies AW5 and AW6 insofar as they relate to this issue.

Access and highway safety

The applicant intends creating a boundary fence and gated access to prevent fly tipping on site. The boundary fence has been set back from the rear of the carriageway to prevent encroachment and this is considered acceptable. There is some concern that the proposed access off Glyn Street/Glynmynach Street is sub-standard in terms of highway geometry and oversubscribed with high on street car parking demand. However, taking into account that the proposed application is for a boundary fence and gate only with no potential use of the land indicated the proposal is considered acceptable.

Other Issues:

- The area is not open land as claimed and this is borne out by the planning history of the site despite it having been accessible for a number of years due to the lack of any effective boundary treatment.
- Whether or not the land is subject to fly tipping or if fly tipping is worse to the south of the site is not a material planning consideration.
- The use of the site for ad hoc parking by parents bringing children to the adjacent nursery would be lost to the site being made secure. However, they only benefit from it now because the landowner allows it to continue.
- What the applicant says and does in a public meeting has no bearing on the determination of this planning application and a decision will only be made on the relative merit of the case in planning terms. For the record, the individual referred to by the applicant and author of this report has only ever met the applicant once via a teams call in 2021 and spoken on a few occasions on the telephone.
- The validity of claims made to deal with Japanese knotweed on the wider site lie outside the scope of consideration of this application
- As Members will be aware the loss of a view is not a planning consideration.

- Whether or not the development would include a gate for access purposes is irrelevant to its capacity to prevent fly tipping on the land.

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 is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on residential amenity and its visual appearance. The impacts on the local highway network are deemed acceptable given there is no declared intention to vary or change the use of the site itself. The proposals are considered acceptable in terms of all other material particulars and as such the following recommendation is made

RECOMMENDATION: Approve

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

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

2. The development hereby approved shall be carried out in accordance with the following approved plans: -

- 2m high twin mesh fencing details received 9th February 2022
- Site location plan drawing no 21.02/04 Rev B received 9th February 2022

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