

**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:** 22/0349/10 (MF)  
**APPLICANT:** Friends of Tyn-Y-Bryn Park  
**DEVELOPMENT:** Propose to site an outdoor gym with 10 pieces of equipment.  
**LOCATION:** SITE WITHIN TYNBYRN PARK, TYNBYRN ROAD, TONYREFAIL  
**DATE REGISTERED:** 22/03/2022  
**ELECTORAL DIVISION:** Tonyrefail West

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**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 long been established for such purposes.

Further, the siting of the outdoor gym 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.

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**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 an outdoor gym at Tyn-Y-Bryn Park, Tonyrefail.

It is proposed the gym be constructed at an unused area of the Park, directly to the north of the existing children's play area. The gym pad itself would have a footprint of

13m by 7m comprising a concrete slab at existing ground level with various exercise equipment sited throughout – 10 no. black/green coloured steel structures. A 1.2m wide hardsurface safety buffer would be site around main gym pad.

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 outdoor gym 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.

## **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 towards the southern corner of the Park, directly to the north of the existing children's playground 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; and that planning permission for a skatepark has also recently been approved nearby within the 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 Heol Ton and Tynybryn Road approximately 50m to the south-west/south-east 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:

22/0093/39 – Non-material amendment to 08/0204/10 – reduce size of spectator stand.

Decision: Granted, 01/02/22

21/1511/10 – Construction of a new concrete skatepark within Tyn-Y-Bryn Park.

Decision: Granted, 19/01/22

19/0876/10 – Proposed 3m high fencing including gate enclosure.  
Decision: Granted, 02/12/19

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

08/0204/10 – The erection of a football stand, dug-outs, concrete hardstanding and 1.8m high palisade fencing (including gates) enclosure.  
Decision: Granted, 28/07/08

## **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 land contamination and site investigation works.

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.

Sports Council for Wales – No objection. An outdoor gym 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 current LDP's lifespan was 2011 to 2021. 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 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 LPD 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, the existing Plan remains the development plan for consideration when determining this planning application.

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 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

### **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 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 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 outdoor gym 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, sited at existing ground level and with the equipment being few in number and of relatively minor scale and height, it is not considered the outdoor gym facility would form an overly prominent feature within the wider context of the Park.

Further, the proposed outdoor gym would be located directly north of the existing children's play area which includes various structures of comparable design and scale to that proposed. As such, it is considered the gym facility would be seen as a natural extension of the existing development at the Park, reducing any prominence.

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

Therefore, whilst it is accepted the proposed outdoor gym 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 relativity 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 50m away at Heol Ton to the south-west and 100m away at Tynybryn Road to the south-east. Given the separation distance and the relatively minor development works proposed, it is not considered the new structures 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 gym 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 outdoor gym 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 outdoor gym 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, outdoor gyms 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.

### **Public Health**

Public Health and Protection commented that there is potential for the site to be contaminated due its historic use for landfill and consequently site investigation works should be undertaken prior to any development. As such conditions to this effect are recommended.

Whilst these comments are appreciated, given the very minor of the nature of the works proposed – a relatively minor hardstand at existing ground level that would not require any foundations or intrusive ground works, and the fact that the site is already in use for sports/leisure, it is considered that requiring the applicant to undertake intrusive site investigation works would be unreasonable in this case. As such the conditions suggested in this respect are not considered necessary and an appropriate note advising the developer of the potential issues would be sufficient instead.

### **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 long been established for such purposes.

Further, the siting of the outdoor gym 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:** Approve, subject to conditions below.

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
- Proposed Site Plan
- Proposed Aerial View

and documents received by the Local Planning Authority on 22/03/22 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.