

## **PLANNING & DEVELOPMENT COMMITTEE**

**21 JULY 2022**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0044/10 (LJH)  
**APPLICANT:** Precise Engineering ltd  
**DEVELOPMENT:** Car parking facility on land opposite nos. 11-16  
Brithweunydd Road (Retrospective).  
**LOCATION:** LAND AT BRITHWEUNYDD ROAD, TREALAW,  
TONYPANDY  
**DATE REGISTERED:** 08/03/2022  
**ELECTORAL DIVISION:** Trealaw

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#### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

**REASONS:** The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the impact it has upon the amenity of the neighbouring properties, as well as highway safety within the vicinity of the site.

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

The application is reported to the Planning and Development Committee as three or more objections have been received.

#### **APPLICATION DETAILS**

Retrospective planning permission is sought to retain a car parking area on land opposite nos. 11-16 Brithweunydd Road, Trealaw. The car park area has been constructed and is currently in beneficial use.

The application is accompanied by a layout plan which indicates that access to the land has been created on the northern boundary of the site via 3 no. sliding gates with the central gate marked as for emergency access only. The car park provides staff vehicle parking for employees and customers of Precise Engineering Ltd and Layland House Company directly to the north-west. The car park has a site frontage of 41.1 metres with a maximum depth of 9.2 metres and has been finished with consolidated stone hardcore. The proposal includes:

- Retention of car parking area;

- Retention of vehicular site entrances;
- Retention of 1.2m high sliding gates and chain-link fencing to northern boundary.

## **SITE APPRAISAL**

The site is located to the south-east of Precise Engineering Ltd along the southern side of Brithweunydd Road. The site is a roughly rectangular parcel of land with a semi-circular shaped plateau along the boundary with Brithweunydd Road. It is this plateau that accommodates the car park. The plateau measures a maximum of 41.1m x 9.2m with an area of approximately 378sqm. It is bound to the north by Brithweunydd Road and to the east and west by scrubland. To the south the site slopes down to the railway line between Tonypany and Dinas Rhondda stations.

## **PLANNING HISTORY**

There are no records of any recent planning applications at the site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site. Three letters of objection have been received; they are summarised as follows:

- There is already a bus stop along that side of Brithweunydd Road which takes away space for on-street parking.
- The car park accesses create further restrictions for on-street parking.

## **CONSULTATION**

**Highways:** No objection subject to conditions.

**Flood Risk Management:** No objection raised.

**Public Health & Protection:** No objection however conditions are suggested with regards to potentially contaminated land at the site.

**Countryside – Ecologist:** No objection raised.

## **POLICY CONTEXT**

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 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.

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

The application site lies within the settlement boundary for Tonypany and is unallocated.

**Policy CS1** – sets out criteria for development in the Northern Strategy Area.

**Policy AW2** – supports development in sustainable locations.

**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.

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

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

**Policy NSA12** - Permits development within and adjacent to the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking
- 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 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 and /Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

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 seeks consent for the retention of a car park which is used by staff and customers of Precise Engineering Ltd and Layland House Company which are located to the north-west of the site. The application site is unallocated and is located within the defined settlement boundary. As such, the application complies with Policies CS1, AW2 and NSA12, all of which support suitable development on unallocated sites within the Northern Strategy Area.

#### **Ecology**

The Council's Ecologist was consulted as part of the application and has commented that there is no vegetation or ecology on the plateau area and as such there is no ecological concern with this application.

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

It is not considered that the development has a significant impact on the character and appearance of the street scene or wider area. It is acknowledged that the development is visible from the highway at Brithweunydd Road, however it is relatively minor in nature, simply comprising the covering of a grassed area with a hard surface and the erection of low level security fencing, and therefore it is not overly prominent. Further, Brithweunydd Road is the main thoroughfare through the village and developments of this type are not uncommon along such main roads.

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

It is acknowledged that the site is located in close proximity to residential dwellings, however, it is not considered that the development gives rise to any significant impacts upon residential amenity or privacy.

Given the use as a car park where occupants of vehicles do not stay for long periods of time, there is no loss of privacy. Further, while there may be a degree of noise/disturbance from its use, given the siting of the residential properties' opposite – along the main road through village – it is considered residents would be accustomed to a degree of disturbance that a small scale car park used during day time hours only would not significantly exacerbate.

In addition, the Council's Public Health and Protection Section have not raised concern with regards to noise impacts and it is also acknowledged that there have been no adverse comments received from residents in this respect as part of the consultation exercise.

The application is therefore considered compliant with the relevant criteria of policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

### **Highways**

Consultation has been undertaken with the Council's Highways and Transportation Section with a view to assessing any potential impacts upon highway safety at and within the vicinity of the site. Their comments conclude that there is concern regarding the location of the centre gate marked as emergency only with access / egress in close proximity to the existing bus stop, but that the stopping up of this access point would alleviate any concerns. As such a condition requiring the centre access be blocked off has been suggested.

There is also some concern that the visibility splays for the eastern access point are sub-standard with on-street parking on both sides of the access point and therefore a condition requiring access only from the eastern point with egress only from the western point which has increased vision splays is also suggested.

With regard to the concerns of the objectors, it is commented that the application is for a secure controlled car park which provides the opportunity for vehicles associated with commercial uses in the vicinity of the site to park off-street in an area where there is considerable demand with limited opportunity to park off-street due to the nature of terraced streets. In addition, the site is served by two existing vehicular crossovers and therefore the accesses have not removed any on-street spaces in this area.

In light of the comments received from the Council's Highways and Transportation Section, the application is considered acceptable in this regard.

### **Public Health & Protection**

The Council's Public Health and Protection Division have raised no objection to the proposal, however, conditions have been suggested in relation to potential contaminated land. Whilst these comments are appreciated, it is considered that the suggested conditions are not necessary given that the development has already taken place and the nature of development being such that works below ground were not required. It is considered an informative note with regards to potential contaminated land at the site would be sufficient.

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

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

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

### **Conclusion**

The principle of development is supported, and the development is deemed to have an acceptable impact upon the character and appearance of the area, the amenities of nearby properties, and on highway safety within the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan as highlighted above.

### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW 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 plan numbers SG1 01 Location plan and Block Plan, SG1 02 Proposed car park layout (retrospective), SG1 03 Proposed elevations (retrospective) - received by the Local Planning Authority on 12/01/2022 and 08/03/2022, 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. Notwithstanding the details shown on the submitted plans, within 2 months of the date of this consent, details of the centre access gate to be blocked up and a scheme for access only from the eastern gate with egress only from the western gate (in – out) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site within 2 months of their approval.

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

4. Surface water run-off from the development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

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