

PLANNING & DEVELOPMENT COMMITTEE

8 SEPTEMBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1547/10 (KL)
APPLICANT: Mr Gilson
DEVELOPMENT: Proposed barn to accommodate a gym along with a swim tank, 2 no. shipping containers, an area of astro turf and associated parking.
LOCATION: VISITOR CENTRE, DARE VALLEY COUNTRY PARK, DARE ROAD, CWMDARE, ABERDARE, CF44 7RG
DATE REGISTERED: 21/03/2022
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS: Whilst the application site is located outside of the defined settlement boundary, the site forms part of the wider Dare Valley Country Park which is a well-established leisure facility offering a range of leisure uses. The applicant has advised that the Commando Fit business has operated a number of fitness classes from the wider Dare Valley Country Park for some time and so the construction of a barn (gym) along with a swim tank and Astro-turf area would provide a dedicated space for the business to operate and grow.

Furthermore, the scale and design of the proposal would have no adverse impact upon the character and appearance of the site or the surrounding area or upon the highway network serving the site. The site is situated well within the boundary of the wider Dare Valley Country Park and the proposal would not have any impact upon the amenity and privacy of surrounding residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the construction of a barn at Dare Valley Country Park, Cwmdare in order to accommodate a gym. The proposal also includes the provision of a swim tank, 2 no. shipping containers, an area of Astro turf and associated parking. The proposed works would be carried out at 'tier 3' of a tiered area of land to the south-west of the main car park.

The proposed barn would be constructed to the north-western end of the plateaux. It would measure 15 metres in width by 30 metres in depth with an off-centre pitched roof design that would measure 9.1 metres in height to the ridge and 5.4 metres and 7.1 metres to the eaves (front and back respectively). External materials would consist of a mixture of fibre cement cladding and timber cladding with a grass roof. The building would facilitate a gym with a yoga room and office being created by a mezzanine floor (11 metres in width by 9 metres in depth, including the steps).

The proposed swim tank would be constructed to the south-west elevation of the proposed barn. It would measure 5 metres in width by 10.5 metres in length with a surround that would measure 1.1 metre in height from ground level. The applicant has indicated that the swim tank will not be chemically treated.

Two shipping containers would be sited at the site: one to the south-eastern elevation of the proposed barn and one immediately opposite, to the south-east of the swim tank. They would each measure 2.5 metres in width by 6 metres in depth and would be of typical steel container construction.

The proposed Astro-turf would be sited to the south-east of the barn, swim tank and storage containers. It would measure 49 metres in length by 20 metres in width.

A total of 8 no. off street car parking spaces would be set out at the very south-eastern part of the site, adjacent to the existing entrance to the tier. The spaces would be arranged either side of an area of hardcore which would facilitate internal circulation and turning. The area of hardcore would be extended along the south-western boundary of the proposed Astro-turf in order to create a pedestrian walkway between the car parking spaces and the proposed barn/swim tank/storage containers. The applicant also indicates that an agreement is in place for any additional parking requirements to be provided within tier two.

The existing hedgerows and shrubs around the perimeter of the site would be retained.

In addition to the standard application forms and plans, the application is accompanied by the following supporting documents:

- Coal Mining Risk Assessment

The applicant has also indicated that fitness classes are already being held at the Dare Valley Country Park Site.

SITE APPRAISAL

The application site relates to a parcel of land which forms part of the wider Dare Valley Country Park. It forms one of 3 plateaux areas to the south-west of the existing visitor centre which previously formed a camping site.

The site measures approximately 0.2 hectares in area and is predominantly flat in ground profile. It was originally characterised by two areas of mowed grass either side of a stone track with trees, hedgerows and shrub around the perimeter however, it is understood that the applicant has recently installed a small area of temporary artificial grass within the site.

The site sits at the highest of three tiered plateaux's and so the land to the north-east slopes away from the site. Ground levels to the north-west of the site inevitably increase, forming part of the adjacent mountainside.

Access to the wider Dare Valley Country Park is situated off Heol-y-Mynydd to the east. The application site itself is situated to the south-west of the internal road with a track leading up to a metal gate to the south-eastern end of the site.

Dare Valley Country Park comprises of a leisure facility which comprises of approximately 500 acres of woodland, pasture and moorland mountainside. It features two artificial lakes, a visitor centre with visitor accommodation and a café, camping facilities, two outdoor play areas and an environmental and outdoor education centre. It also features a number of bike tracks and uplift area. These facilities support a range of family-orientated experiences, such as hiking and nature walks, outdoor play provision and environmental education programmes. The park has a large parking area adjacent to the visitor centre.

PLANNING HISTORY

19/1211	Dare Valley Country Park	Proposed bike workshop consisting of shipping containers and green roof system and extension to existing shower block	Grant 17/01/20
10/0675	Dare Valley Country Park	Demolish existing toilet block and construct base for prefabricated metal workshop	Grant 02/09/10
09/0004	Dare Valley Country Park	New glazed screen to existing first floor walkway above entrance conservatory	Grant 29/01/09

08/1581	Dare Valley Country Park	Extension to existing car park	Grant 28/11/08
08/1479	Dare Valley Country Park	New reception area with glazed conservatory entrance to existing accommodation block and alterations to existing workshop	Grant 30/10/08
08/0878	Visitor Centre, Dare Valley Country Park	New extension for reception office plus stairwell and internal alterations to toilets, store and locker room	Grant 22/07/08
08/0584	Dare Valley Country Park	Extension to existing campsite and engineering operations	Grant 09/07/08
08/0583	Dare Valley Country Park	New campsite on unused meadow and engineering operations	Grant 23/06/08
06/1267	Dare Valley Country Park	Construction of an environmental centre with outdoor sporting equipment store, shower block, classrooms and general office	Grant 13/10/06
06/0626	Visitor Centre, Dare Valley Country Park	Construction of an outdoor classroom 3.5 metres in height with a diameter of 6 metres	Grant 29/06/06
05/0277	Dare Valley Country Park	Installation of platform lift	Grant 24/08/05
98/4597	Touring caravan site, Dare Valley Country Park	Alterations and extension to existing amenity block	Grant 11/12/98
91/0571	Land at Dare Valley Country Park	Light railway (tourism) and railway shed	Grant 20/11/91
90/0745	Land adj. to visitor centre, Dare Valley Country Park	Change of use to short stay touring caravan park	Deemed consent 25/02/91

PUBLICITY

The application has been advertised through the erection of site notices in the vicinity of the site. A press notice was also published in a local newspaper.

One letter of objection has been received and is summarised as follows:

- Concern is raised with regards to the quality of the consultation exercise carried out. It is considered that the way in which the Council gives members of the public the opportunity to comment on developments is shoddy.
- It is commented that notices should be placed in a prominent place and easily read by anyone.
- One notice was placed on the gate to the field which says that it is private property. This is public land, administered by the Council on behalf of the constituency.
- The land has been walked by visitors for over 60 years and we are now not only being stopped from walking through the field but are presented with notices claiming it to be private land, before any permission is given for its use.
- Unless the Council is selling the field, it can never be private property.
- The gate to the field is now padlocked. The user should not be allowed to lock the gate without giving an alternative access to the field.
- There is no objection to any development in the Country Park that can bring people to the area in general however, more respect should be given to those people who use the park daily.

Further consultation was undertaken during the course of the application in order to advertise a change in the application description (to include the siting the two storage containers). No further representations have been received.

CONSULTATION

The following consultation responses have been received and are summarised as follows:

Coal Authority: No objection, condition recommended.

Countryside, Ecology and Landscape: No objection, subject to conditions

Fire Safety: No objection, advice provided on climate change and the need to ensure that adequate water supplies are provided on site for firefighting purposes.

Flood Risk Management: No objection, condition recommended.

Glamorgan-Gwent Archaeological Trust: No objection.

Highways and Transportation: No objection, condition recommended.

Natural Resources Wales: Advises that advice is sought from the Council's Ecologist to determine if there is a reasonable likelihood of bats within the application site.

Public Health and Protection: No objection, conditions recommended.

Welsh Water: Advises that there are no public sewerage systems available within immediate vicinity of the site and that any new development will require the provision of satisfactory alternative facilities for sewage disposal.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside of the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

Policy CS1 (Development in the North): emphasis on building strong, sustainable communities which will be achieved by encouraging a strong, diverse economy which promotes new forms of employment in the leisure and tourism sectors.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to preserve and enhance RCT's natural heritage by protecting it from inappropriate development. Development proposals shall not cause harm to the features of a Site of Importance for Nature Conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of land instability.

Policy AW14.4 (Safeguarding of Minerals): requires resources of Coal will be safeguarded from development which would unnecessarily sterilise them or hinder their extraction.

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 LDP 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.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Access Circulation and Parking

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.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design
PPW Technical Advice Note 16: Sport Recreation and Open Space
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:

Principle of the proposed development

The application site is located outside of the defined settlement boundary where development would not usually be permitted; however, the site forms part of the wider Dare Valley Country Park site which offers a variety of other leisure-type facilities. The applicant has indicated that fitness classes have been run from the wider Dare Valley Country Park site by Commando Fit for some time and the proposal would therefore provide dedicated facilities for the business to be operated in all weathers and potentially enable additional services/classes to be provided.

Whilst the development would effectively be contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan, the proposal is considered to form an exception to this policy in that it would enhance the current offer of leisure facilities at an established leisure facility.

As such, the proposal to provide a gym and associated features at the site would widen the leisure facilities on offer at the site and the principle of the proposal is therefore considered to be acceptable.

Impact on the character and appearance of the area

The proposed barn would form a sizeable addition to the site and given its elevated position on the highest level of an existing plateaued area, there is potential that it could be visible from the wider surrounding area. However, due to existing trees, hedgerows and other vegetation around the perimeter of the site and in the surrounding area, the barn and associated works would be relatively well screened, particularly during summer months, and it is not considered that the development

would give rise to any significant concerns in relation to the impact of the development upon the character and appearance of the site and surrounding area.

Furthermore, the scale of the building is considered to be appropriate and in-context with the size of the plot upon which it would be constructed and sufficient space would be maintained to the south-eastern end of the site in order to accommodate the associated swim tank, storage containers, Astro-turf and parking area. It is therefore not considered that the proposal would result in overdevelopment of the plot.

The building would be constructed from appropriate materials, including timber cladding with a grass roof system, which would further limit its visual impact upon the surrounding area. It is also noted that a building of a similar finish (albeit at a smaller scale) is situated on the lower tier (bike workshop) and so it is not considered that the building would appear overly prominent within the surrounding area.

The proposed storage containers, swim tank and Astro-turf are also considered to be acceptable in terms of their scale and design with these elements of the proposal largely being screened from the surrounding area by the existing vegetation around the perimeter of the site.

In light of the above, it is not considered that the proposal would have an adverse impact upon the character and appearance of the site or the surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The application site is situated within the wider boundary of Dare Valley Country Park with the nearest neighbouring properties being situated over 300 metres away. The proposed barn and associated works would therefore not give rise to any overbearing, overshadowing or overlooking impact towards the nearest residential properties.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposed development upon highway safety in the vicinity of the site. The comments received indicate that no objection is raised (subject to one condition).

Access

It is indicated that the application site is served off a private road, which is accessed off Monk Street. The private road incorporates traffic calming measures in the form of speed bumps and has a speed limit of 10mph.

The proposed development would be accessed off the private road leading to the Visitor Centre, which provides vehicular access to the development site. It is indicated that the access to the site will remain as existing, which is considered to be acceptable.

Parking

The proposal has a parking requirement of 1 space per 2 facility uses, in accordance with SPG: Access, Circulation and Parking (2011). The proposal includes a total of 8 off-street car parking spaces, which includes one disabled parking bay. The applicant also advises that visitors will also have access to shared car parking facilities within the wider site which would accommodate any overspill parking. The level of parking is therefore considered to be acceptable.

Other Issues:

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

Land Drainage and Flooding

Consultation has been undertaken with the Council's Flood Risk Management team and it is noted that no objection has been raised in relation to the proposal. It is indicated that the site is not within an area of surface water flood risk and that the total construction area is greater than 100 square metres. As such, it is advised that under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The applicant will also be required to comply with Part H of the Building Regulations.

Further to the requirement of SuDs, the Flood Risk Management team consider that a standard condition should be added to any grant of planning consent for details to be submitted to evidence that the development complies with the requirement of Section 8.3 of Technical Advice Note 15. Whilst this recommendation is noted, it is not considered necessary to add such a condition as the matter is dealt with via the SuDs process.

Ecology

The proposal has been assessed by the Council's Ecologist and the comments received indicate that the application is mostly affecting short mown grass and hardstanding with vegetation around the edges of the site, which has been planted

relatively recently. The vegetation is therefore considered to be too immature for bat habitat and it is not believed that there would be any loss of potential bat roosts. Furthermore, given that the area is already well used with no bat records for this site (closest bat record was 250m away), no ecology or bat survey work is required. However, it is recommended that conditions be added in respect of the removal of vegetation and for biodiversity enhancement measures.

Historic Coal Mining

The application site falls within the defined Development High Risk Area in respect of historic coal mining. The application is therefore accompanied by a Coal Mining Risk Assessment (CMRA) and consultation has been undertaken with the Coal Authority.

The comments received indicate that the eastern part of the site lies within an area of recorded underground shallow workings, which pose a risk to surface stability and public safety. The CMRA identifies a potential risk to the development from shallow coal workings and it recommends that intrusive site investigations are carried out on site.

The proposed barn, swim tank facility and part of the Astro-turf area all lie outside the defined Development High Risk Area. The remaining part of the Astro-turf, the associated parking area and the hardstanding area all fall within the defined Development High Risk area. These particular elements of the scheme do not appear to require substantial foundations or earthworks.

The Coal Authority consider that the author of the CMRA was aware of the layout of the development when preparing the report and that the conclusions are based on works that they are aware may be taking place within the area identified as being at potential risk of instability. Whilst no objection is raised to the proposal, it is recommended that a condition be added to any grant of planning consent for intrusive site investigations to be carried out on site to establish the exact situation in respect of coal mining legacy.

Public Health

Consultation has been undertaken with the Council's Public Health and Protection team and no objection has been raised in relation to the proposal. A number of standard conditions have been recommended in relation to hours of operation, noise, dust and waste however, it is considered that these matters are better and more efficiently dealt with via separate environmental health legislation. It is therefore not considered necessary to duplicate these matters through the imposition of planning conditions.

Issues Raised by Objector

As indicated previously, one letter of objection has been received in relation to the application however, it must be noted that the objections do not relate to the design or potential impacts of the development itself and instead relate to the way in which the application has been advertised during the consultation exercise undertaken during the process of the application. As indicated in the *Publicity* section above, the application was advertised through the erection of site notices and through the publication of a press notice. There are no residential properties located in the immediate vicinity of the site and so no direct neighbour notification was undertaken.

A total of two site notices were erected: one at the junction between the internal private road and the track up to the site, and one at the entrance to the relevant field. The notices were clearly placed in locations that were clearly visible and in places that were relevant to the proposal. The notices followed the standard template used by the Council and included all of the relevant/required information. The officer undertook a second consultation exercise due to a minor change in the description of the application and erected 2 further site notices in the exact same places of the original notices. It was noted that the original notices were still in place and were still legible and noticeable at the time of the second consultation exercise.

The objector also indicates that a sign has been erected to indicate that the field is private property and that a padlock has now been attached to the entrance gate. The site is recorded as being within the Council's ownership and it is noted that the applicant has served notice on the Council and completed the correct ownership certificate. The sign has not been erected by the Council.

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

Whilst the application site is located outside of the defined settlement boundary, the site forms part of the wider Dare Valley Country Park which is a well-established leisure facility offering a range of leisure uses. The applicant has advised that the Commando Fit business has operated a number of fitness classes from the wider Dare Valley Country Park for some time and so the construction of a barn (gym) along with a swim tank and Astro-turf area would provide a dedicated space for the business to operate and grow.

Furthermore, the scale and design of the proposal would have no adverse impact upon the character and appearance of the site or the surrounding area or upon the highway network serving the site. The site is situated well within the boundary of the wider Dare

Valley Country Park and the proposal would not have any impact upon the amenity and privacy of surrounding residential properties.

RECOMMENDATION: Approve, subject to 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 plans and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 811.001: Proposed Site Plan.
- Drawing No. 811.002: Site Location Plan
- Drawing No. 811.003: Proposed Plans.
- Drawing No. 811.004: Elevations.
- Drawing No. 811.005: Elevations.
- Drawing No. 811.006: Elevations.
- Drawing No. 811.007 Block Plan.

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

3. The off-street parking spaces indicated on submitted drawing no. "811.001" shall remain for the purpose of vehicular parking only.

Reason: To ensure vehicles park off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and,
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development would not cause or result in a risk of unacceptable harm to health and/or local amenity as a result of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development would not cause or result in a risk of unacceptable harm to health and/or local amenity as a result of land instability, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The site shall be cleared outside of the nesting bird season (1st March to 1st August) unless a suitable method statement for clearance at any other time has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: To protect the biodiversity of the site in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting features or nesting opportunities for birds, shall be submitted to and agreed in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the designed purpose in accordance with the approved scheme. The scheme shall include, but not be limited to, the following details:

- a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- b) Materials and construction to ensure long lifespan of the feature/measure.
- c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.

d) When the features or measures will be installed and made available.

Reason: To provide biodiversity enhancement, in accordance with Chapter 6 of Planning Policy Wales and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.