

## **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:** 22/0920/08 (JE)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Installation of an anti-vandal steel changing room  
**LOCATION:** FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR  
**DATE REGISTERED:** 01/08/2022  
**ELECTORAL DIVISION:** Ferndale and Maerdy

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#### **RECOMMENDATION: APPROVE**

**REASONS:** The proposal is considered to provide an enhanced sporting facility in the local community and would not result in any adverse impact upon the character and appearance of the surrounding area or the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

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

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

#### **APPLICATION DETAILS**

Full planning permission is sought for the installation of an anti-vandal changing room at Ferndale Community School, Maerdy, Ferndale. The changing rooms would be located towards the rear of the school site in close proximity to an existing all weather sports pitch.

The proposal would consist of 2no. units measuring a depth of 3 metres by a width of 9 metres, and a flat roof design that would measure a height of 2.6 metres.

The changing rooms would be of a similar design to a shipping container with largely featureless elevations with each unit benefiting from 3no. entrance doors and high level windows that would be covered with a guard.

## **SITE APPRAISAL**

The application site relates to an area of land within the curtilage of Ferndale Community School. The area is located to the north of the school buildings and forms vacant land adjacent to a secondary vehicular access to the sports pitch. The perimeter of the area is enclosed by 1.8 metre high palisade fencing.

The closest neighbouring properties are located to the south and south west along Excelsior Terrace and are separated by approximately 115 metres and are screened from the site by the existing school buildings.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the application site are:

**06/2243/08:** FERNDALE COMMUNITY SCHOOL, REAR EXCELSIOR TERRACE, MAERDY, FERNDALE.

New construction skills centre, with extension to road and 4 additional parking spaces.  
Decision: 08/01/2007, Grant

**17/1240/08:** FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR

Proposed erection of 6 no. floodlighting columns and associated works. (The relocation and resurfacing of existing sports pitch, resurfacing of existing emergency access track, replacement of existing fencing and associated drainage infrastructure works are to be commenced under the Permitted Development Order but are included in this application for completeness).

Decision: 15/01/2018, Grant

**18/1381/08:** FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR

Prior notification for the demolition of 3 storey CLASP V building, adjoining a single storey part of the school.

Decision: 19/02/2019, Permission not required

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

No letters of objection have been received following consultation.

## **CONSULTATION**

**Transportation Section:** No objection.

**Countryside (Ecology):** No objection.

**Public Health and Protection:** No objection although conditions recommended in relation to hours of construction, noise, dust and waste.

## **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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.

The application site lies within the settlement boundary for Ferndale but is not allocated for any specific purpose.

**Policy CS1** – sets out the 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 AW10** - development proposals must overcome any harm to public health, the environment or local amenity

### **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) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

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 national policy guidance considered:

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.

### **Main Issues:**

#### **Principle of the proposed development**

The application relates to the siting of an anti vandal changing room unit within the curtilage of Ferndale Community School. The proposal would improve current facilities to the benefit of users and the local community. As such, the principle of development is therefore acceptable subject to the criteria set out below.

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

The development proposes a modest and utilitarian building, close to existing buildings within the wider setting of Ferndale Community School.

The building is considered to have an acceptable visual appearance and is of a scale commensurate to its use in support of a community facility. The siting of the proposed building close to other existing buildings is also considered to be a positive aspect of the scheme, as the impact on the open nature of the wider site would be reduced.

Therefore, it is considered that the proposal would be acceptable in this regard.

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

The site is located to the north (rear) of existing structures and buildings at Ferndale Community School. The proposed building would be over 115 metres from the closest neighbouring properties and would be fully screened by existing buildings at the site. As such, it is considered that due to the distance between the site and neighbouring properties and the scale and nature of the building proposed, there would be no adverse impact caused by the proposal.

Whilst the new changing unit is designed to enhance sporting facilities at the site, which may increase the use of the adjacent sports pitch, the proposal would not introduce a new use to the site or extend the current operating hours of the facility.

It is also noted that there have been no adverse responses to the consultation exercise.

Subsequently, it is considered that the proposal is acceptable in this regard.

## **Public Health**

The Council's Public Health and Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to construction hours, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to construction hours, noise, dust and waste can be more efficiently controlled by other legislation and the suggested conditions are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

## **Other considerations**

Following consultation, no objections were raised or conditions requested by the Council's Transportation Section and Ecologist who both consider the application acceptable.

## **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 proposal is considered to provide an enhanced sporting facility in the local community and would not result in any adverse impact upon the character and appearance of the surrounding area or the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

## **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 plans

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- 5311-B03
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and documents received by the Local Planning Authority on 01/08/2022, 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.