

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
20<sup>th</sup> JULY 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

	<b>Agenda Item No. ....</b>
	<b>APPLICATION NO: 22/0273/10 – Change of use from public house to 4 dwellings (Transport Note received 4th July 2022, Foul Drainage Strategy received 2nd February 2023) THE BARN PUBLIC HOUSE, HEOL MISKIN, MWYNDY, PONT-Y-CLUN, PONTYCLUN, CF72 8PJ</b>

**1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

**2. RECOMMENDATION**

That Members consider the report in respect of the application and determine the application having regard to the advice given.

**3. BACKGROUND**

This application was originally reported to the Planning and Development Committee meeting of 8th June 2023. A copy of the original report is attached as Appendix A.

Members resolved that they were minded to approve the application, contrary to the recommendation of the Director for Prosperity and Development. Members noted the benefits of bringing back a redundant building to beneficial use, the acceptability of the proposal in most material planning respects, save for a highway objection, and the various fall back uses to which the building could be put.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

**4. PLANNING ASSESSMENT**

The proposed redevelopment of The Barn from a public house, would result in its subdivision and conversion to provide a terrace of four dwellings. As the original report highlighted, with the exception of an objection from the Council's Highways and

Transportation Section, hence the recommendation for refusal on highway safety grounds, the development was considered acceptable in general policy terms.

Nevertheless, the material concerns debated by Members during their consideration of the application are acknowledged and set out below:

The constraints regarding the substandard highway leading to the site from the A4119 were recognised and it was noted that this highway provided access to numerous dwellings as well as the various industrial uses to the east, including Maxibrite and Leekes.

Members were made aware that the highway was currently shared by walkers as part of a longer public right of way network and that the route was used by employees of the adjoining businesses who would walk from a nearby bus stop to their place of work. It was further noted that the highway had no segregated footway, street lighting or other such infrastructure and would be used by a quantity of HGV traffic.

Nonetheless, whilst Members were clear that the highway would remain substandard by current standards, in the unfortunate absence of any opportunities for improvement, it was pointed out that the length of the lane from the A4119 to the site is quite short and that there is good forward visibility.

Members were also cognisant of the Applicants fallback position, and that whilst the market situation meant that reopening as a pub/restaurant was evidently unlikely, no planning permission would be required to operate any other uses within the scope of Use Class A3, including a hot food takeaway.

In addition, Schedule 2, Part 3, Classes A and C of the General Permitted Development Order 1995, as amended, permits a change from Use Class A3 to either Class A1 (shops) or A2 (financial and professional services) without the need for planning permission.

Such permitted changes would enable the building to accommodate a new business from quite a range of options, many of which would have the potential to create a greater intensity of use and therefore, significantly more traffic, in terms of deliveries, services and visiting members of the public.

Consequently, in coming to their resolution, Members recognised that there was no shortage of vacant or derelict buildings in the County Borough and considered that the benefits of proposed conversion and reuse of the building, together with the considerable fallback options available to the Applicant, were sufficient to outweigh the highway objection.

If Members remain of a mind to grant planning permission, it is suggested that the following reason for approval would be appropriate, subject to the conditions further below:

**The proposed development would result in an attractive and appropriate re-use of the building that would secure its long-term use and provide a modest contribution to the local housing supply.**

**Although the site is not within the settlement boundary and thus cannot be considered a sustainable location per LDP Policy AW2, marketing of the building, in accordance with Policy AW9, has resulted in an absence of interest for a pub/restaurant use.**

**Therefore, it is considered that greater material weight should be given to ensuring future beneficial use of the property and the proposed development is therefore acceptable both in principle and in detail.**

### 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 completed in accordance with the approved drawings and documents:

- 2125 1\_13 Site Plan Proposed
- 2125 1\_222 Ground Floor Plan Proposed
- 2125 1\_223 First Floor Plan Proposed
- 2125 1\_224 Roof Plan Proposed
- 2125 1\_341 Elevations N S Proposed
- 2125 1\_342 Elevations E W Proposed

and details and documents received on 3rd March 2022 and 2nd February 2023, 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. No development shall commence until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall evidence compliance with the requirements of Section 8.3 of PPW Technical Advice Note 15.

The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and be retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until scheme to deal with contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person and shall assess any contamination on the site, whether or not it originates on the site

The scheme shall include:

- (i) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

(ii) An intrusive site investigation to assess the extent, scale and nature of contamination which may be present, and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.

(iii) If remediation is required, a written method statement for the remediation of contamination affecting the site and justification for the preferred remedial option(s).

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to beneficial occupation of the development, should the contamination scheme, referred to in Condition 6, identify that site remediation measure are required, then

i) The measures approved in the contamination remediation scheme shall be implemented.

ii) A suitable validation report of the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a suitably qualified competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to beneficial occupation the means of access, together with the car parking facilities, shall be laid out in accordance with the submitted site plan 2125 1\_13 'Site Plan Proposed'. The parking spaces shall be surfaced in permanent material and retained thereafter for the parking of vehicles.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. The development shall be carried out in accordance with the recommendations identified within Section 6 of the Preliminary Roost Assessment (Spectrum Ecology, dated 19th November 2021).

The proposed bat and bird boxes, as described within paragraphs 6.4 and 6.5 of the aforementioned report shall be implemented in accordance with the approved details prior to beneficial occupation of any dwelling and maintained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised

contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

**PLANNING & DEVELOPMENT COMMITTEE**

**08 June 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0273/10 (GH)  
**APPLICANT:** PPD Group Ltd  
**DEVELOPMENT:** Change of use from public house to 4 dwellings (Transport Note received 4th July 2022, Foul Drainage Strategy received 2nd February 2023)  
**LOCATION:** THE BARN PUBLIC HOUSE, HEOL MISKIN, MWYNDY, PONT-Y-CLUN, PONTYCLUN, CF72 8PJ  
**DATE REGISTERED:** 04/03/2022  
**ELECTORAL DIVISION:** Pontyclun

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**RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON:**

**REASONS:** The primary means of access to the development along the unnamed lane serving Mwyndy Industrial Estate is severely sub-standard in terms of horizontal geometry, forward vision/intervisibility, provision of segregated pedestrian footway facilities, passing bays, street lighting, highway drainage, and structural integrity with a high volume of heavy goods vehicles traffic accessing the adjacent industrial area. The proposed use of the sub-standard access to serve residential development with associated pedestrian movement would create hazards to the detriment of highway safety.

Furthermore, insufficient information has been provided to allow an assessment of the impact of the development on highway drainage infrastructure which crosses the proposed development.

Consequently, the proposed development would not be in accordance with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Paul Binning for the matter to come to Committee due to the objection received from the Council's Highways and Transportation Section.

Specifically, Cllr Binning highlights that the alternatives to the development are either to re-open as a pub/restaurant, although there has been no market interest and this would lead to a greater volume of traffic, cyclists and pedestrians than the proposed four dwellings; or for the building and area to become derelict.

## **APPLICATION DETAILS**

Full planning consent is sought for the change of use of 'The Barn' Public House and its conversion and extension to provide four dwellings.

It is proposed that the property would be subdivided to create a row of four terraced houses, with principal elevations facing north towards the existing car park. The two end of terrace houses would have three bedrooms, whilst the mid-terraced houses would have four bedrooms.

Although no new significant construction is proposed to the front, alterations to the fenestration would be required to create separate entrances, including additional and relocated windows. The customer car park would be removed to create four driveways with lawned or planted areas.

To the rear of the site a large single storey extension to the western end of the building would be removed, and each separate dwelling would then benefit from a two storey rear offshot extension of a contemporary timber-clad style. The current beer garden and rear amenity space would be subdivided to form separate enclosed gardens.

The use of the property as a public house ceased in March 2020 at the time of the first Covid-19 lock down. Subsequently Marstons, who were operating the business, surrendered their lease in October 2020. The property has been marketed since May 2021 without success.

Further to the above, it has been clarified that the separate three bedroom dwelling to the south of the property is currently within the same land ownership and is accessed via the customer car park and its entrance onto Heol Miskin. However, this dwelling does not form part of the application at hand.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Flood Consequences Assessment
- Preliminary Bat Roost Assessment
- Planning Statement (including Estate Agent's statement)
- Tree Constraints Plan

Lastly, as the description of development indicates, additional information comprising a Transport Note, Foul Drainage Strategy and further Highways comments, were provided during the consultation period in response to concerns raised by consultees.

## **SITE APPRAISAL**

The application property comprises a vacant public house located in the small hamlet of Mwyndy located outside of the settlement of Pontyclun. The site is accessed from an unnamed lane that connects with the A4119 to the west of the site.

The main building is located towards the centre of the site with an area of tarmacadam to the front which was previously used as an area for customer car parking. To the rear of the building there is an enclosed amenity area which was historically used as a beer garden.

The area surrounding the site consists of Mwyndy Industrial Estate to the east and north-west, a large pond to the north beyond the access road and a small cluster of residential dwellings to the south and west.

The site is located outside of the defined settlement boundary and within Tree Preservation Order Area TPO2 (1990), is adjacent to the Ty Newydd Woods and Grassland Site of Importance for Nature Conservation (SINC), is partially located within a designated C2 flood zone and is within a sandstone safeguarding area.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**21/5125/41:** Pre-app advice. Decision: 23/12/2021, Raise No Objections.

**13/5774/33:** Licensing Consultation - Minor variation of the Premises License.  
Decision: 30/10/2013, Raise No Objections.

## **PUBLICITY**

The application has been advertised by direct notification to eight neighbouring properties and notices were displayed on site.

Two letters have been received from the residents of the neighbouring property 'The Cottage'. These residents, who also own the application property, express support for the proposal and raise the following comments:

- Highways comments are misleading – the unnamed road not only provides access to Mwyndy Industrial Estate but also serves as the sole access to The Cottage and the residential properties beyond the industrial estate.

- The unnamed road is already an active travel route - for us, as existing residents, and for the employees of the businesses in the Mwyndy Industrial Estate. We regularly witness people utilising active travel by walking the lane to and from work. The 122 Tonypany to Cardiff bus service stops on the A4119 close to the top of the unnamed road and we understand it was placed there to serve the existing residents and the industrial estate.
- The car park at The Barn is currently being used as an unauthorised park and ride. We regularly wake to find a full car park where people have left their cars to walk up the road and catch the bus to Cardiff (photographs of this have been provided to Cllr. Paul Binning).
- There are already several houses within the vicinity of the proposed development. It just so happens that none of them, as far as we are aware, have school age children at present although children have lived in these houses in recent years. If school age children were currently residing at either The Cottage, Mwyndy House or any of the properties beyond the industrial estate, the Council would be required to provide home to school transport as it deems the unnamed road to be a “substandard learner travel route”.
- The Highways comments do not mention that the road is also a recognised public footpath. It is used regularly at all times of the day by ramblers, dog walkers, runners and cyclists. We understand that NRW works with local authorities to ensure that public rights of way are “in excellent condition” and “as accessible to all lawful users as possible”. As the road is deemed by the Council to be unsafe for pedestrians, this public footpath clearly falls foul of both of these requirements and this ought to be addressed by the Council.
- If the junction and the road are deemed to be too narrow to accommodate HGV accessing and passing, we do not understand why permission was given for the extended development of Mwyndy Industrial Estate. In particular, the 2016 extension to the Leekes Head Office to increase the warehousing facility and distribution centre.
- We agree with the Report that the condition of the road is substandard, however this is due to the Council’s failure to maintain it. The muddy areas and puddles referred to in the Report would not exist if the road was adequately maintained.
- We are very concerned about the impact the Highways objection has on the future use of The Barn. If there are concerns about the safety of the lane for residential purposes, these concerns will apply regardless of the use of the building. It has already been established that there is no market for its sale as a pub, which has been accepted by the planning department, so we are at a loss to understand what is expected to happen to the building.

## **CONSULTATION**

### Highways and Transportation

An objection is raised due to the substandard primary means of access, and that insufficient information has been provided relating to highway drainage infrastructure.

### Flood Risk Management

Given the number of properties being developed, under Schedule 3 of the Flood and Water Management Act 2010, the applicant is required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). The applicant is also required to comply with Part H of the Building Regulations.

Whilst the applicant has provided a Flood Consequence Assessment document, further information regarding the site's proposed drainage characteristics should be supplied to the Lead Local Flood Authority to ensure that the development does not adversely impact surface water flood risk, which can be secured via a condition.

### Public Health and Protection

Conditions are recommended in respect of demolition, construction hours of operation, noise, dust and waste. In addition, public health records indicate that the site is within 250m of a potentially contaminating land use, such that a further condition requiring a scheme to deal with contamination is also recommended.

### Natural Resources Wales

NRW has no objection to the proposed development and notes that foul drainage would be disposed of via a new package treatment plant (PTP). Applicants wishing to operate a private sewerage system would need either to apply to NRW for an environmental permit or register with them for an exemption from the permit requirement.

Furthermore, NRW notes that the very edge of the site boundary is within Flood Zone C2 but given the very limited extent of flood risk shown to be affecting the application site the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

### Dwr Cymru Welsh Water

There is no public sewerage system in the immediate vicinity. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

It may be possible for the Developer to requisition sewers from Dwr Cymru Welsh Water under Sections 98 - 101 of the Water Industry Act 1991.

### Western Power Distribution

A new connection or service alteration will require a separate application to WPD.

### Countryside – Ecologist

No objection, subject to a condition requiring implementation of the recommended ecology measures contained within Section 6 of the Preliminary Bat Roost Assessment.

No other consultation responses have been received within the statutory period.

## **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 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, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies outside the development settlement boundary.

**Policy CS2** - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

**Policy AW1** - This policy is concerned with the supply of new housing within the County Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** - The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore,

proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

**Policy AW9** - Residential conversion of existing buildings outside the defined settlement boundaries will be supported where the building is structurally sound, if it can be demonstrated that there are no viable alternative uses, and if the building is of architectural or historical merit.

**Policy AW8** - Permits new development where it can be demonstrated that there will be no harm to locally designated sites or unacceptable impact upon features of importance to landscape or nature conservation.

**Policy AW10** - Development proposals must overcome any harm to public health, the environment or local amenity as a result of air, noise and light pollution, contamination, flooding or any other identified risk.

**Policy AW14** - Sandstone resources, where indicated on the LDP proposals map, will be safeguarded from development.

**Policy SSA13** - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

## **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements

## **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), WG's current position on planning policy at regional and national level.

It is considered that the proposed development would not be consistent with the key principles and requirements for placemaking set out in PPW; nor the Well-being of Future Generations (Wales) Act's or the FW2040's principles of sustainable development, due to the concerns relating to access and highway safety set out further below.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 15: Development and Flood Risk

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 in an area defined as countryside, where local and national planning policy primarily restrict this type of development.

Nonetheless, LDP Policy AW9 advises that the alteration, conversion and re-use of rural buildings may be acceptable subject to compliance with two main criteria.

Firstly, the existing building must be structurally sound, or capable of being made so without substantial alteration or reconstruction. Secondly, in the case of residential use, it can be demonstrated that there are no viable alternative uses to secure the retention of the building and that the building is of architectural/historical merit.

In the case of this proposal, the building appears to be structurally sound, is of some historical interest, given its age, and marketing information has been provided which suggests an absence of any interest to operate the property as a public house and restaurant.

It is noted that the application would result in the demolition of a large single storey rear wing on the western side of the property, which has been used as ancillary storage, cellar and toilet facilities to support its previous use. In addition, the proposal includes the construction of two storey rear extensions for each of the four new dwellings.

However, given that the rear wing is a later addition and that the overall footprint of the development would be only slightly larger than that of its current extent, these alterations and extensions are not considered to represent an unacceptable degree of alteration that would justify a recommendation of refusal as per Policy AW9.

Furthermore, whilst the application property occupies an unsustainable location as defined by Policy AW2, primarily for being outside the settlement boundary, it is recognised that its previous use would likely have resulted in a greater number of vehicle trips by private motor car than it would as four separate dwellings.

Consequently, greater material weight is apportioned to the benefits of bringing a redundant building, on a previously developed site, back to beneficial use, together with a small increase to the housing supply. Therefore, the proposal is considered, on balance, to be acceptable in principle.

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

The majority of redevelopment works proposed would be located to the rear of the property and would therefore be largely obscured from public vantage points.

In addition, the extensions and alterations proposed are considered to be of an attractive design that would form subservient and sympathetic additions without dominating the overall character and appearance of the site. Furthermore, the demolition of the later single storey extension would not be harmful to the character of the building.

With regard to the changes proposed to the front elevation, these largely relate to revised fenestration and the creation of new entrance doors to serve the proposed dwellings. Given the scale of the existing building these changes would have a minimal impact upon its appearance on this elevation and are considered acceptable in this regard.

Although the submitted plans currently lack some detail with regard to landscaping and the proposed arrangement for the front and rear amenity areas, it is acknowledged that these details could be secured by condition if required.

In light of the above, it is considered that the reuse and conversion of the building would result in an improvement to the character and appearance of the site and surrounding area.

### **Impact on neighbouring occupiers**

Given the relationship with the closest neighbouring property at Mwyndy House located roughly 40 metres to the south and with the site largely screened by existing hedgerows and vegetation, it is not considered that the proposal would result in any

adverse impact upon the amenity and privacy of the few neighbouring properties that it may potentially effect.

In addition, the conversion to residential use would result in a betterment to the existing impact on neighbouring properties through the removal of noise and disturbances associated with the beer garden and public house.

With regard to the impact upon future occupiers of the dwellings from noise and disturbance associated with the nearby Industrial Estate, as the most disruptive use is located 116 metres to the north east with less disruptive office uses in between, it is not considered that this would result in an impact great enough to warrant a refusal of the application. In addition, any impact upon residential amenity is not considered to be significantly greater than those experienced by existing residential properties within the vicinity.

## **Access and highway safety**

### Access

The proposed development is served via an unnamed lane which is maintained at public expense to the eastern boundary of the application site and provides access for industrial use beyond at Mwyndy Industrial Estate which include Maxibrite smokeless fuel, Leekes head office and warehouse, Contractors offices and plant hire.

The junction of the access road to Mwyndy Industrial Estate with the A4119 has no restriction on turning movements and incorporates a sub-standard right turning lane with a tapering width of up to 2.7m. Visibility at the junction is satisfactory and kerb radii are acceptable; however, the width of the access road at the junction is only 5m wide which is too narrow to accommodate heavy goods vehicles (HGV) passing and turning into the access road.

The width of the lane linking the A4119 to the development site and adjacent industrial use varies in width between 3.9m and 5m and as such is too narrow to allow HGVs to pass with resultant reversing manoeuvres to areas where the road widens adjacent to the development site and industrial area.

The lane serves predominantly industrial development and has no segregated footway, street lighting or engineered drainage. It also has substandard geometry, vertical alignment and forward vision with limited opportunities for pedestrians to step off the carriageway to avoid large vehicles due to the steep banks which bound the carriageway.

As noted above, the carriageway width which varies between 3.9m and 5m is not sufficient to allow large vehicles to pass. Therefore, should such vehicles meet, it would be necessary for one to reverse to a location where sufficient width is available to pass. This is of significant concern due to the lack of rear vision for reversing HGVs

and, swept path of reversing vehicles exacerbated by curved road alignment and passing movements particularly articulated HGVs and lack of pedestrian step-off facilities affording protection against reversing vehicles.

Due to these constraints and particularly the use of the lane by HGVs associated with the industrial activities it is considered that the lane would not provide a safe walking route to encourage walking and cycling as a sustainable means of travel in accordance with the aims of the Active Travel Act (2013) and FW2040. Therefore, the development would be heavily reliant on the private car.

At the existing site boundary there is no physical demarcation between the carriageway and the public house carpark which provides an informal passing area for industrial estate traffic when the car park is not fully utilised, however, it is noted that the site layout plan Drawing No 21251\_13 indicates that a footway will be provided along the site frontage with the existing carriageway width of 5.22m retained. Whilst the provision of a footway is considered acceptable in principle, there is concern with regard the remaining highway width to allow HGVs to pass which is exacerbated by the curved alignment and likely swept path of vehicles which include 8-wheel rigid chassis vehicles and articulated vehicles. Furthermore, the layout does make provision to accommodate calling service and delivery vehicles and encroaches onto highway maintainable at public expense. Whilst turning facilities are available to the north-east of the site within the industrial area, they are beyond the limit of public highway. Therefore, availability of turning facilities cannot be guaranteed.

The footway provided along the site frontage and the need to set back the site boundary to allow widening of the carriageway could be secured by suitably worded conditions, however, these limited measures would not overcome the concerns with the walking route between the A4119 and the development site for pedestrians.

It is also noted that no measures are identified to divert or protect highway drainage within the curtilage of the site and easements for future maintenance are not shown on the submitted drawings.

### Secondary Access via Private Road

The submitted plans indicate a secondary access which also serves 'Mwyndy House' & 'The Cottage', two residential dwellings, circa 10m in width at its junction with the A4119 but which narrows to circa 4-3m for the majority of its length. The lane is not maintained at public expense and lacks sufficient passing bays which would result in vehicular reversing manoeuvres should two vehicles meet, which gives cause for concern. The lane also lacks segregated pedestrian footway facilities, resulting in potential conflict between vehicles (potentially reversing) and pedestrians.

Additionally, the secondary access/ junction of the private road with the A4119 does not accommodate right turning movements onto the dual carriageway and would require vision splays of 2.4m by 120m in accordance with the requirements set out

within TAN18: Table A. The vision requirements cannot be achieved and falls significantly below the requirement which gives rise to concern that intensification of use of the junction would be detrimental to highway safety and the free flow of traffic.

Furthermore, as the secondary access is not maintained at public expense its availability cannot be guaranteed; and the submitted Transport Note dated 26th June 2022, indicates that this route is not available and site visit confirms it is gated at Mwyndy House.

The secondary access is therefore not considered acceptable.

### Safe Routes to School / Learner Travel

The site would be within the catchment areas for the following schools:

- YGG Llantrisant – Welsh Primary
- Penygawsi Primary - English Primary
- Ysgol Llanhari - Welsh Secondary
- Y Pant - English Secondary

Currently pupils living to the east of the A4119 benefit from a school bus service which serves Groesfaen, however, the route along the substandard lane linking to bus stops on the A4119 may not be considered to be available in terms of Learner Travel.

New development at Cefn Yr Hendy will deliver improvements to pedestrian facilities and crossing facilities along the A4119 which could potentially result in the development falling within the safe walking distances to Welsh and English Primary/ Secondary schools, however, home to school transport would need to be provided due to the substandard learner travel route between the development and the A4119.

### Transport Note

In response to concerns raised by Highway Development Control the Applicant has submitted a Transport Note, (TN), by Apex Transport Planning to provide additional information in support of the application.

### Trip Generation

#### Existing Use as Public House

The submitted Transport Note assesses the multimodal trip generation associated with the use as a public house to generate up to 297 vehicle trips per day with peak trip generation occurring during the evening peak with approximately 70 two-way trips during the period between 17:00 and 20:00 which would fall outside the peak period for traffic associated with employees and HGV traffic associated with the adjacent Industrial use.

The multimodal trip generation provides a modal split of all trips within Table 2.2 of the TN which indicates 50 pedestrian trips daily, however, this is derived from the Trip Rate Computer Information System (TRICS) on the basis of data from sites for public houses and restaurants on the edge of town locations, but all are served by footways and in some cases cycle routes and are therefore not representative of the existing use of the site which does not benefit from segregated pedestrian access and would result in an overestimation of trips on foot and bicycles to the Barn Public House.

Table 2.1 indicates that peak trip generation from the use as a public house would be between 19:00 and 20:00 which would fall outside the normal operating times of the adjacent industrial estate.

### Proposed use

Table 2.4 of the TN indicates that the proposed development would generate approximately 21 daily vehicle trips and 10 pedestrian trips per day. Whilst the total trips associated with the proposed use are significantly lower than the existing use as a public house, peak periods for vehicle and pedestrian movements associated with the proposed dwellings would be aligned with the peak hour traffic flows associated with the industrial estate. Unlike patrons of the public house residents could not choose to access the proposed dwellings during the off-peak periods or outside peak traffic periods associated with the adjacent industrial estate use. Therefore, concerns remain with regard the adequacy of the unnamed lane to safely accommodate pedestrian movements associated with the residential use with potential conflict between industrial estate traffic consisting of cars, light vehicles, HGVs and articulated vehicles.

### Road Safety Data Review.

The TN includes a Road Safety Review within Section 2.3 which is based on crash map data and not data provided by the Welsh Government. The TN states that there are no fatalities within the study area during the last 22.5 years however, fatal accidents are recorded on the Council's database utilising Welsh Government verified data to the north of the study area.

### Traffic Flow Analysis

The TN indicates that a traffic flow analysis was undertaken between the 14<sup>th</sup> May and 20<sup>th</sup> May 2022 by means of a ATC count.

Table 2.6 of the TN indicates:

Weekday average AM peak 07:08:00)	102 vehicles (two-way)
Weekday average PM Peak	86

Highest daily AM peak (Wednesday) 08:00-09:00	116 (two way)
Highest PM Peak (Wednesday) 16:00-17:00	86 ( two way
Daily Traffic (Highest )	871 (two way)

The data in Table 2-7 indicates 85<sup>th</sup> percentile speeds to be 28.5mph eastbound and 26.4mph westbound.

Paragraph 2.4.4 states that the maximum hourly flow across the entire week occurred on a Wednesday with 116 vehicle movements (two-way) during the AM peak 08:00-09:00 which equates to one vehicle movement every 31 seconds

Reference to the actual traffic count data at the end of the TN indicates that out of the 116 vehicle movements on the busiest day of the survey, 25 movements were by vehicles larger than a car derived Light Goods Vehicle (LGV), LGV including non-car derived LGVs, three axle rigid HGV and five axle articulated vehicle in addition to a multi-trailer arctic (five or less axles).

The peak period for pedestrian movements associated with the proposed residential use would be 08:00-9:00 which would be a period where the access road is busy with the industrial estate traffic including cars, light goods vehicles, heavy goods and articulated vehicles with a high likelihood that vehicles within the lane would meet opposing vehicles and need to reverse to a place where the width would allow vehicles to pass which are the same areas that the TN identifies as suitable step off or areas for pedestrians to pass larger vehicles.

### Unnamed Road Review

The TN at section 2.5 reviews the access route between the development site and the A4119 which comprises the substandard lane.

Paragraph 2.4.7 states that forward vision is satisfactory and therefore intervisibility between pedestrians and vehicles is acceptable, however, the forward vision in terms of the stopping sight distance relates to a requirement to allow vehicles to brake to avoid collision. Whilst the stopping sight distance may be acceptable in relation to the speed of vehicles there are no formal passing places for vehicles or pedestrians and intervisibility to allow vehicles to observe opposing movements by vehicles or pedestrians and wait at a suitable passing place.

Paragraph 2.5.2 states that the length of the substandard lane is 125m, however, the Council's OS mapping system and Google indicate a distance of 160m to the centre of the proposed development.

Paragraph 2.5.3 indicates that the substandard lane is an existing route for walkers, however, there are numerous alternative routes for walkers who would have the

opportunity to risk assess their route via the substandard lane and choose an alternative or time such as evening or weekend when industrial estate traffic would be lower to avoid potential conflict.

Paragraph 2.5.4 indicates that there is sufficient width to allow pedestrians to safely step off the carriageway or the edge of carriageway to allow vehicles to pass. The lane is bounded by hedgerow and embankment and unsurfaced areas and it would be unreasonable for pedestrians to step off into puddles and muddy areas. Such spaces even if available would provide no protection from the swept path of articulated vehicles or should HGVs need to reverse.

Paragraph 2.5.11 states that as set out in Manual for Streets (page 83 - shared space streets) that pedestrians are comfortable treating roads with traffic flows less than 100 vph as shared surfaces. However, this reference within Manual for Streets relates to the provision of Home Zones within residential streets. The lane in question is not a residential street and the traffic utilising the lane for access is not typical of such a residential environment, consisting of significant numbers of large HGVs with a substandard carriageway width.

Paragraph 2.5.13 states the highway code requirements for drivers of vehicles passing pedestrians, however, there are significant sections of the lane where these distances are not achievable particularly for HGVs.

Paragraphs 2.5.15 to 2.5.18 refers to English policy with regard quiet lanes, which is not applicable in Wales. Paragraph 2.5.18 states that the Active Travel Act accords with the 'Quiet Lanes' and Manual for Streets in terms of vehicle flows and confirms that the unnamed road should be suitable for shared use between all modes of travel as the traffic flows are less than 1000 vehicles per day and the recorded speeds are below the 30mph speed limit. However, Manual for Streets specifically states its focus on lightly trafficked residential streets and lightly trafficked lanes in rural areas and all guidance within is aimed at residential streets with the type of traffic associated with residential streets and not to industrial estate access roads carrying significant HGV traffic, lacking in adequate width, road geometry, formal passing places with intervisibility and facilities for pedestrians.

### Sustainability

The information provided within the TN to demonstrate that the site is in a sustainable location is noted although the majority of amenities and facilities are towards the higher end of desirable walking distances, however, distances stated to educational establishments are incorrect and underestimate the walking distance via suitable routes.

Access to the local amenities and facilities is compromised by the substandard pedestrian connectivity between the site and the footways along the A4119 to access

the wider locality and public transport, therefore increasing reliance on the private motor vehicle.

### Parking

The Public House to be altered is located in Parking Zone 4. It therefore required 1 commercial vehicle space for operational purposes and 1 space per 3 staff and 1 space per 5m<sup>2</sup> of public area.

The existing building, with a GFA of approximately 490m<sup>2</sup> requires 98 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking 2011, with 44 provided.

The proposed dwellings have an off-street car parking requirement of a maximum of 3 spaces per dwelling in accordance with the same SPG. This requirement has been met by means of driveway spaces and spaces alongside the private access lane to the west of the site. As such no cause for concern is raised with regard to parking provision.

### Conclusion

The proposed residential development raises major concern due to the lack of a safe pedestrian access between the site and footways along the A4119. The lane varies in width between 5.5m and 3.9m and lacks segregated footways, drainage and street lighting. The lane provides the only means of access to the Mwyndy Industrial Estate. Traffic associated with the industrial estate includes significant numbers of HGVs serving the Maxibrite smokeless fuel site, Leeks Warehouse, construction companies and plant hire. Due to the substandard width and curved alignment of the lane HGVs are unable to pass and would need to reverse to wider areas where they can pass. Therefore, there is a major concern with regard pedestrian safety and use of the lane by potential residents to undertake journeys on foot or bicycle as set out within the Active Travel (Wales) Act and PPW 11, which will make the development heavily reliant on the private car contrary to local and national policy.

The substandard route for pedestrians along the lane will also impact Learner Travel provision as the pedestrian route between the development and bus stops on the A4119 would be classed as not available requiring home to school transport via a taxi instead of the current school bus and negating the impact of improvements along the A4119 to facilitate walking to school.

The submitted Transport Note does not satisfactorily address these safety concerns.

The proposed arrangement of the dwellings does not cater for parking of calling service and delivery vehicles and turning should access to informal turning areas within the private industrial estate road cease to be available. Furthermore, the site layout plan does not appear to retain an area of public highway and encroaches onto

highway maintained at public expense at the junction of the lane with the private access to Mwyndy House along the western site boundary.

The submitted plans do not indicate diversion of highway drainage or provision of easements to facilitate future maintenance and the absence of the pipe on the submitted plans does not allow the impact on the development of highway drainage infrastructure to be considered.

### **Other matters**

The site is partially located within Zone C2 of the Development Advice Map (DAM) referred to in TAN15 where new highly vulnerable development such as a residential use is not considered acceptable.

However, as referenced by NRW in their consultation response, the area located within Zone C2 is a small section of the rear amenity space and does not include any part of the building or access to the site; hence there is no objection to the development on this basis.

### **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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £7879.39.

### **Conclusion**

Although some concerns have been raised in respect of the principle of the development, given the location of the site outside of the defined settlement boundary, it is recommended that the development would accord with LDP Policy AW9 and that greater material weight should be apportioned to the beneficial re-use of this previously developed site. It is also noted that no other uses for the site, either proposed or in relation to the established use have come forward and that the conversion of the property would be acceptable in terms of visual and neighbour amenity.

However, whilst there have been no other objections from any statutory consultees the Council's Highways and Transportation Section has consistently maintained an objection to the initial proposal and subsequent addition supporting information. On

this basis, the application is considered to be unacceptable since it would not comply with Policy AW5 of the Local Development Plan in terms of highway safety.

**RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The primary means of access to the development along the unnamed lane serving Mwyndy Industrial Estate is severely sub-standard in terms of horizontal geometry, forward vision/intervisibility, provision of segregated pedestrian footway facilities, passing bays, street lighting, highway drainage, and structural integrity with a high volume of heavy goods vehicles traffic accessing the adjacent industrial area. The proposed use of the sub-standard access to serve residential development with associated pedestrian movement would create hazards to the detriment of highway safety.

Furthermore, insufficient information has been provided to allow an assessment of the impact of the development on highway drainage infrastructure which crosses the proposed development.

Consequently, the proposed development would not be in accordance with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.