

PLANNING & DEVELOPMENT COMMITTEE

14 December 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1068/10 (GH)
APPLICANT: Llanharry Community Council
DEVELOPMENT: Construction of skate park for all skate disciplines -
Skateboards, BMX, WCMX, Scooters etc, with
associated landscaping and drainage works
LOCATION: LLANHARRY PARK, LLANHARRY ROAD,
LLANHARRY, PONTYCLUN
DATE REGISTERED: 25/09/2023
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS:

The location of the proposed skate park within Llanharry Park is one where it would be least likely to have a detrimental impact on the amenity of the closest neighbouring occupiers and would not affect the openness of the remaining public space.

Furthermore, the skate park would be beneficial to the wellbeing of younger members of the community where there is clearly a demand and currently an absence of an easily accessible alternative facility.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received

APPLICATION DETAILS

Full planning consent is sought for the construction of a skate park on land within Llanharry Park.

The skate facility would be located in the north-eastern corner of the park and with landscaping and access would incorporate a surface area of approximately 989m², with a skateable area of 314m².

The skateable part would be constructed from freeform concrete, which would enable a range of features to benefit skates, including ramps, pipes, ledges and rails, with the maximum height of any structure being 1.5m.

The design includes soft landscaped banks to the rear of each raised feature, as well as a shingle drain leading to a small infiltration basin. The skate park would be accessed via a path of crushed stone, which would link to an existing path which bisects the site.

Lastly, the plans demonstrate that two benches and litter bins would be provided, but the site is not proposed to be lit.

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

- Drainage Infiltration Report and Plan
- Design and Access Statement
- Details of community consultation

SITE APPRAISAL

The application site comprises an area of maintained grassland within a public recreation space known as Llanharry Park.

The Park is located towards the centre of Llanharry and comprises relatively flat ground with a gentle fall towards the north. The wider site includes a Community Centre and Car Park, basketball court, formal children's play area and a football pitch.

Part of the Park limits to the north and east abut the settlement boundary, but there are a range of residential properties to the west, on the opposite southern side of Llanharry Road, and to the east towards the entrance to The Patch.

There are no specific policy or environmental constraints identified, however there are two Scheduled Ancient monuments within 150m of the red line boundary of the proposed skate park.

PLANNING HISTORY

There are no recent or relevant applications on record relating to this part of Llanharry Park.

PUBLICITY

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

Eight letters of objection and one letter of support have been received raising the following matters:

Anti-social behaviour/crime

- Increased littering – bins are not used and rubbish, including broken glass and even used condoms have been left.
- Drinking and use of drugs – there is often a strong smell of weed which can carry some distance and into properties. Alleged drug-dealing is taking place in the park
- The site and surrounding already suffers from antisocial behaviour with gangs of up to 30 youths congregating. Residents have been verbally abused and the Community Hall staff have had to clear up broken glass due to bottles being thrown and broken outside.
- Given the current behavioural challenges focussed on the shelter and basketball court, adding a skate park is only going to make these issues worse.
- Older children are already coming from other areas to use the park and motorbike have been using the park and lanes around nearby houses as a circuit.
- If approved, the site should be fenced and locked at 9pm.
- There has been no evidence of the park being monitored by the Community Council and PSCOs
- Vandalisation will also be another factor, it won't stay nice for long, the youths of the village have already set fire to the cage on a number of occasions. The Community Council have just recently said that they may have to take the shelter down as it is being misused.
- Public urination from adults and children occurs because there are no toilet facilities.
- Noise pollution from the number of people gathering on site and portable stereo systems. Children have been shouting and screaming late into the evening which means that sitting out in the garden has not been pleasant and doors have had to remain closed.

Other issues

- There is an absence of any mining maps showing underground workings so this may have an impact on land stability.
- The park would be a visual intrusion
- The use of this area of grass, used by families and young children, would be lost.
- The provision for young people in the area is poor and the site chosen is relatively far from many properties and yet in plain sight, also close to the park and fields. I urge officers and Members to consider the needs of young people and not be unduly influenced by the small but vociferous view that youths gathering bring noise and litter and no provision should be made for them.

Non-material matters

- There may be a covenant preventing such development.

CONSULTATION

Cadw

The development would not harm the setting of the nearby Scheduled Ancient Monument GM346.

Flood Risk Management

The applicant will be 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.

Natural Resources Wales' Flood Risk maps have been reviewed, which demonstrate that the site does not fall within an area of surface water flood risk.

The Applicant has outlined that surface water will be disposed of via SuDS and has provided a relevant surface water drainage strategy. This will ensure that surface water will be appropriately managed and disposed of onsite and the discharge rates show the watercourse can cope with an increase in flows.

Public Health and Protection

Conditions are recommended in respect of hours of operation, noise, dust and waste. However, it is considered that these matters will either fall within the scope of the Construction Method Statement recommended further below, or can be controlled by existing Public Health powers.

Natural Resources Wales

No objection.

Dwr Cymru Welsh Water

No objection.

Sport Wales

As the construction of the skate park doesn't involve the loss of any sports pitches, Sport Wales has no objection.

Countryside Section – Ecologist

The area is a maintained playing field and thus the ecology impact will be very small.

South Wales Police

Concerns are raised relating to anti-social behaviour problems within and adjacent to the park area and that any new facility would need to be securable and safe for users.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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.

The application site lies within the settlement boundary for Llanharry

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 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 AW7 - Developments which impact on sites of historical merit will be permitted only where they preserve or enhance the character and appearance of the site.

Policy AW8 - Seeks to protect and enhance the natural environment from inappropriate development.

Policy AW10 - Does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy 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 Place-making
- Nature Conservation

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 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 is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure

- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 24: The Historic Environment;

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 relates to the construction of a skate park within the curtilage of Llanharry Park.

The Park occupies a sustainable location towards the centre of Llanharry, which is both within the settlement boundary and where it can be easily accessed, on foot, by the majority of youngsters who would be likely to use it.

As an existing public park, where there is already a range of leisure or sports facilities and Llanharry Community Hall close by, this kind of use has been long established and the skate park the sort of development that might be expected in such a place.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Impact on the character and appearance of the area

Being of a relatively small footprint and low height, compared to the scale of the wider Park area and the other facilities within it, the structures which would form the main features of the skate park would not be considered to have any significant degree of prominence.

Furthermore, the skate park would be located in a corner of the park directly to the north of the basketball court and where its northern and eastern boundaries benefit from some screening by trees, hedge and scrub

Consequently, it is considered the skatepark structure would be seen as a natural extension of the existing development at the Park and the relatively minor works proposed would not be detrimental to its character and appearance.

Historic Environment

The consultation response provided by Cadw recognises that the skate park would be located some 60m south of scheduled monument GM346 Two Round Barrows, Naboth's Vineyard, which comprises the remains of two earthen built round barrows dating to the Bronze Age (c. 2300 - 800 BC). The northern barrow measures approximately 30m in diameter by 0.5m high. The southern barrow measures 27m in diameter by some 1.3m high. Removal of part of the northern barrow in 1929 during road-widening revealed a cist containing short-necked beaker and human remains.

Bronze Age funerary and ritual monument are thought to have been located so that they had views to and from neighbouring funerary monument, prominent natural features, and associated settlement sites. No associated monuments are known from the immediate vicinity and therefore the significant views are restricted to those connecting the two barrows.

The proposed development does not lie within the identified significant views and although close the monument is separated from it by a hedgerow which offers significant screening. As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood, and appreciated. Consequently, Cadw's view is that the proposed development will have no impact on the setting of scheduled monument GM346.

Third Party Amenity and Crime and Disorder

In this regard, any potential issues would relate to the use of the proposed skate park, since its location and small scale mean that it is too far from any neighbouring properties to have a physical impact on amenity.

As the numerous issues raised by objectors and the Police set out, there are significant concerns relating to the occurrence of anti-social behaviour. The Police have

explained that a number of incidents have been reported to them, such as anti-social behaviour, substance misuse, vehicle nuisance and criminal damage, of which most have taken place during the evening and at night and mostly within the car park and surrounding area of the community centre and youth shelter.

In determining this application regard must be had to the national and local planning policy in PPW11, TAN12 and LDP Policy AW5 which require consideration of crime and disorder matters or for the design of a proposal to develop out opportunities for crime.

The Police have made a number of suggestions, recommending the development be lit, enclosed and lockable at night, and that a CCTV system is provided. Consequently, a condition has been recommended below for the submission of details of a fence, opening and closing arrangements and a management plan for approval.

However, the application does not propose that the facility be lit and the Planning Authority would prefer it was not so that use of the skate park is extended to during the later evening or hours of darkness, especially when background noises tend to drop and its use would be more evident.

Neighbouring residents have raised concerns about noise and it is considered that the clatter of skateboards and their wheels on the hard concrete surfaces and pipes would be likely to create greater potential for disturbance, as well as any sounds or shouting from those using the facility.

In addition, the Police have noted that there is already CCTV on site, which is owned by the Community Council and viewed if an incident occurs, although any views to the area of the skate park would be blocked by the basketball court. Nevertheless, the Police have advised that even in the areas covered by CCTV it has not been of sufficient deterrent to prevent crime and anti-social behaviour.

It is considered that providing the facility is fenced and locked at night, it would not exacerbate or create any new any antisocial behaviour issues. In addition, during the hours of its use, the location is preferable since it would be sited furthest away from the closest dwellings to the south, south-east and west.

On balance, therefore, the development is considered to be acceptable in these terms.

Other Issues

An objector raised a concern about the potential for past mining activities given the previous iron ore mining in and around the Llanharry area. Whilst the site is not within that identified as being at high risk from coal mining and the development would not likely require substantial work below ground, it is considered prudent to append an informative note.

A further issue, relating the possibility of a covenant was highlighted. However, whether or not such a covenant exists, any enforcement of its requirements would not be within the jurisdiction of planning legislation and is a non-material matter.

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 proposed skate park would provide the local community with an additional leisure and sport facility within a park that has been long established as being used for these purposes.

The siting of the skatepark is considered to be acceptable in terms of its visual impact and potential impact upon the amenities of neighbouring residents, subject to the conditions recommended to discourage anti-social behaviour and use at inappropriate times.

Therefore, it is considered that the application complies with the relevant local and national planning policies and is acceptable.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:

- Drainage Plan 16406_500 Rev 01
- Site Location Plan 001
- Proposed Site Plan 002
- Dimension Plan 003

and details and documents received on 21st September 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 details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) The provision of a fence, with lockable gate to enclose the skate park
- ii) Arrangements for the daily opening and closing of the skate park
- iii) A management plan for the prevention of antisocial behaviour at the skate park

The development shall be carried out in accordance with the approved details, prior to beneficial use.

Reason: In the interest of the prevention of crime and disorder and the amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until details of a scheme to deliver a biodiversity net benefit has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the protection and enhancement of the natural environment in accordance with PPW11, Future Wales and Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No lighting of the skate park shall be erected within or around the skate park.

Reason: In the interest of the amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.