

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
20 FEBRUARY 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 4</b>
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning applications outlined in Appendix 1.

**2. RECOMMENDATION**

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No. 10/1118 - Development of fencing, remediation, repair and maintenance works to retain Grade II\* listed cooling towers within parkland setting, Cooling Towers, Cwm Coking Works, Tynant.
2. Application No. 12/1215 – Development of 6 terraced houses (amended details received 17/04/13), land adjacent to 138 Dyffryn Street, Ferndale.
3. Application No. 13/1010 - Proposed development of '3G' artificial surface training pitch with associated car parking & access, Llwynceilyn Football Ground, Nythbran Terrace, Porth.
4. Application No. 13/1020 - Reconstruction and repositioning of rear garden retaining wall, 13 Bryn Terrace, Llantrisant Road, Llantwit Fardre, Pontypridd.
5. Application No. 13/1026 - One detached building to accommodate main business office (B1 use) (Amended parking layout received 16/01/14 and amended site location plan received 24/01/14), Taffs Well Library, Cardiff Road, Taffs Well, Cardiff.
6. Application No. 13/1228 - Change of use from Use Class A1 (Shops) to Use Class A2 (Financial and Professional Services), Blockbuster Video Express, 24 Victoria Square, Aberdare.
7. Application No. 13/1260 - Construction of two dwellings, Ynysybwl Youth Centre, Ffordd Gower Davies, off New Road, Ynysybwl,

Pontypridd.

8. Application No. 13/1274 - Erection of two semi-detached three storey four bedroom houses, land adjacent to Richmond House, Fothergill Street, Abernant, Aberdare.
9. Application No. 13/1278 - Installation of an energy saving evaporative cooling system, Data Centre, Ty Bronwydd, Bronwydd Avenue, Cymmer, Porth.
10. Application No. 13/1324 - To erect 2 no. garages on existing plots nos. 3 & 5 utilising existing floor bases, land adjacent to No 1 Glanavon Terrace, Gilfach Goch.
11. Application No. 13/1357 - Variation of condition 1 of planning approval 13/0126/10 to extend the time limit from 3 to 9 months for works to be carried out, 11 The Chestnuts, Miskin, Pontyclun.

## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 10/1118/12 (GD)  
**APPLICANT:** CPL Industries Ltd  
**DEVELOPMENT:** Development of fencing, remediation, repair and maintenance works to retain Grade II\* listed cooling towers within parkland setting.  
**LOCATION:** COOLING TOWERS, CWM COKING WORKS, TYNANT.  
**DATE REGISTERED:** 26/10/2010  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** That Members support the granting of Listed Building Consent for the proposed development.

### REASONS:

The retention and repair of the Grade II\* listed cooling towers is desirable of itself given the rarity of these structures and they would be an integral element and focal point in the wider reclamation and redevelopment of the coke works site.

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### APPLICATION DETAILS

Listed Building Consent is sought for the remediation, maintenance and repair of the grade II\* listed cooling towers at the former Cwm Coke Works at Tynant. The towers are in a poor state of repair as they have not been subject to any maintenance since the plant closed in 2002

The application is accompanied by –

- A site masterplan,
- A design and access statement,
- A cooling tower exclusion zone section plan, and;
- An outline repair methodology.

The outline repair methodology is the key document in this case as it sets out the strategy for the remediation, repair and long term maintenance of the towers, setting out the stages and sequence of the repairs considered necessary to secure the retention of the structures.

Broadly, the sequence will first involve the creation of a working platform around the towers as this will facilitate a safe and controlled working area. This will then allow the removal of the contaminated matter from the sumps and the cleaning and

decontamination of the existing woodwork that is to remain. All repairs and replacement will be in Douglas Fir timber including those to the main framework and cladding. Corroded metal work will also be replaced. When these works are completed the working platform will be removed and the towers will be enclosed with suitable fencing and gates set within a wider parkland setting which will ensure the safety of future residents.

## **SITE APPRAISAL**

The application site in this case comprises a rectangular area of land of some 6650 square metres (0.665 hectares) that includes and surrounds the grade II\* listed cooling towers. The cooling towers are located towards the northern end of the former coke works site and are currently read as part of the buildings, plant and machinery that form the redundant works.

The towers were built in the late 1950's and were used to cool water used in the process of recovering chemicals from gases as a by product of the coking process. The two surviving towers were originally three however, what was the northernmost tower was blown over in the 1980's and replaced with a smaller steel parabolic tower.

Both towers stand approximately 21metres high and the northern "secondary" tower has a footprint of 24m x 11.5m and the southern "salthouse" tower has a footprint of 8.5m x 11.5m. Both towers have an external stair leading to a gantry level set above internal packing of closely spaced timber laths. The towers remain connected via pipes to the adjacent chemical plants.

Access to the site is from the B4595 and then via the private access road that lies along the western boundary of the coke works.

The wider site comprises the former coke works, former colliery site and associated tips and amounts to a total area of some 89.3 hectares. Beddau and Tynant sit either side of the coke works site with Llantwit Fardre and Church Village further to the east.

## **PLANNING HISTORY**

The wider application site has an extensive planning history, however the following applications are those most relevant in the determination of the current application.

04/1360	Demolition and remediation of site, residential redevelopment (630 units use class C3) 1788 square metres commercial space (use class B2) community uses, landscaping, open space and revised access	Appeal against non determination dismissed 19/07/07
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04/2306	Complete demolition of listed cooling towers including documentation of structures prior to and during demolition and removal (Listed Building Consent Application)	Recovered for determination with application 04/1360 at appeal Appeal dismissed 19/07/07
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## **PUBLICITY**

The application has been advertised by means of press notice, site notices and neighbour notification letters and no response, comment or objection has been raised to the proposal.

## **CONSULTATION**

Royal Commission on the Ancient and Historic Monuments of Wales – The present proposals for fencing repair and maintenance works are to be welcomed in principle.

*Members should note that all six of the historical societies were consulted on this application and the above response is the only one that has been received.*

Cadw – have been informally consulted in respect of this proposal and without prejudice to their formal consideration of this proposal have no adverse comments to make in respect of the submission.

Public Health & Protection – given the contaminated nature of the structure have advised on the appropriate disposal of any waste arising from the proposed works, dealing with contamination, air quality noise and odour.

Llantwit Fardre Community Council – are against the retention of the cooling towers on the site. The vast amount of money that will be used to preserve these units could be better used within the community for issues that will be of benefit to the residents. It would be more in keeping with a housing development if a scaled down replica of one tower were to be commissioned and placed at the entrance to the site. In this way the heritage could be remembered and the remaining monies used within the community. Secondly the community council are mindful that there will be a considerable amount of remediation to the land under these towers from the remains of the industrial process carried out for many years.

Additionally and though not part of the consultation process in respect of this application for listed building consent, in commenting on a presentation in respect of the proposals for the wider site the Design Commission for Wales had the following comments in respect of the listed cooling towers. *Currently the towers represent an unwelcome exclusion zone in the heart of the site, but if they could be restored and integrated with a new and vibrant public realm, this could be a positive advantage for*

*the scheme as a whole. The notion of “something special” at the heart of the site should be retained as a focal point for non residential uses.*

## **POLICY CONTEXT**

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

**Policy CS2** - Indicates that in the southern strategy area the Council will place an emphasis on sustainable growth that amongst other things includes protecting the cultural identity of the area by protecting historic built heritage and the natural environment.

**Policy CS3.6** - identifies the towers as lying within a strategic development site.

**Policy AW7** - aims to protect, preserve and enhance the character and appearance of buildings of architectural or historic importance.

**Policy AW10** - mitigates against development which would cause or result in a risk of unacceptable harm to health or amenity as a result of contamination unless it can be demonstrated that measures can be undertaken to overcome those risks.

**Policy SSA7** - identifies the towers as lying within a wider strategic site marked for redevelopment as housing, commercial, educational and recreational uses.

**Policy SSA24** - identifies the site for land reclamation.

Rhondda Cynon Taf Local Development Plan Supplementary Planning Guidance: The Historic Built Environment Sets out the requirements that the Council expects from developers when dealing with applications for Listed Building Consent.

### **National Guidance**

In the determination of 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.

The following Chapters of Planning Policy Wales are considered relevant to the consideration of this application for Listed Building Consent.

Chapter 4 Planning for Sustainability; and

Chapter 6 Conserving the Historic Environment

Chapter 13 Minimising and Managing Environmental Risks and Pollution.

### **Circular 61/96 Planning & the Historic Environment: Historic Buildings & Conservation Areas (1996)**

Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas Act 1990 require special regard to be given to the desirability of preserving listed buildings or their settings, or any features of special architectural or historic interest which they

possess. The circular sets out the process for dealing with proposals relating to historic buildings having regard to the legislative requirements.

The circular at paragraph 68 states that the listing of a building should not be a bar to all future change, and that the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

At paragraph 69 the circular places a requirement on the applicant to justify their proposals, they are obliged to show why works which would affect the character of a listed building are desirable or necessary, and to provide the local planning authority with full information to enable them to assess the likely impact of the proposals on the special architectural or historic interest of the building and its setting.

Four key issues in the consideration of proposals for listed building consent are identified in paragraph 70 of the circular, and the proposal as it currently stands needs to be considered against each in turn: -

- *The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms*
- *The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion on the list.*
- *The building's setting and its contribution to the local scene, which may be very important, e.g. Where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby.*
- *The extent to which the proposed work would bring substantial benefits for the community, in particular by contributing to economic regeneration of the area or the enhancement of its environment (including other listed buildings).*

## **REASONS FOR REACHING THE RECOMMENDATION**

The reasons for reaching a positive conclusion in this application for Listed Building Consent lie in the consideration of the proposals against the requirements of the key paragraphs of circular 61/96 as outlined above. In determining the application it is appropriate to consider the content of the application against these paragraphs and to set it in context in relation to the aspirations and objectives for the wider site.

Firstly there is the issue of preserving the building and its setting. In this case the intention is to restore the structure to its original condition using appropriate materials and building methods, this is undoubtedly compliant with the policy requirement. As far as the setting is concerned, this will inevitably alter. The towers

currently stand within the coke works site and the intention is to remove the dereliction and reclaim the land for residential development. However this change in context is acceptable given the applicants intention to create a parkland area around the towers with secure fencing close in to protect the towers as this will make them a focal point and feature within the wider development.

Secondly there is the requirement to demonstrate why works to the towers are desirable or necessary. In this case the response is simple as the towers are in a very poor state of repair and without intervention there is a genuine risk that they could be lost. The impact on the architectural and historic importance of the structures is acceptable given that the proposals are for restoration of the towers using suitable materials which would have been used in the original build and to the original plans.

Turning to the issue of the four key tests from paragraph 70 of the circular mentioned above each one is considered in turn below: –

The towers have little or no architectural interest as such, their importance lies in their historic interest and their rarity. The towers are an extremely rare example of industrial technology that was relatively common in the 19<sup>th</sup> Century but which was superseded by more advanced building techniques in the 20<sup>th</sup> Century. The fact that the towers were built at such a relatively late date makes them all the more unusual. However the current proposal involves the use of traditional building methods and materials to restore these structures and is therefore considered compliant with the requirement.

It is not the physical features of the structures that justify the inclusion of the towers on the list it is their rarity as a surviving example of a historic industrial technology. The proposed works will secure the future of the buildings in a technical and historically accurate manner and as such the proposals meet the requirements of this particular test.

The towers are currently set within a derelict and redundant landscape the coke works having closed in 2000 and the colliery having closed in the late 1980's and its land subsequently having been reclaimed. The proposals for the wider site involve its decontamination reclamation and development for residential purposes and as a result its setting and contribution to the local scene will alter. However, these changes are positive, even though it will no longer read as part of a coherent group of industrial structures, the proposals mean that it will still remain a focal point within the area.

In the wider context the proposed works would bring considerable benefits. Notwithstanding the fact that the proposals will deal with the most contaminated parts of the towers, when read as part of the wider proposals for the coke works site, the proposals will deliver considerable benefits in the removal of widespread dereliction, regeneration of one of the largest derelict sites in the Rhondda Cynon



Taf with the wider environmental enhancement that this would deliver. The towers would remain part of this and the proposals clearly meet this test.

As such, in light of the above support for the current proposals would be appropriate.

### **Other Issues**

Members will note the comments of the local community council outlined above. Whilst the Community Council comments are understood, their comments are subjective and have no regard to the rarity of these structures or the statutory duties of the Local Planning Authority when considering listed building consent proposals.

### **Conclusion**

In light of the above, it is clear that the proposals to clean repair and restore these important grade II\* towers are acceptable and accordingly support is offered for the proposal.

### **RECOMMENDATION: Grant**

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.

2. No development shall take place until an investigation and risk assessment of the nature, scale and full extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

Reason: In the interests of health and safety and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until a detailed remediation scheme to bring the towers to a condition suitable for their intended use by removing unacceptable risks has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remediation options and proposal of the preferred option, along with a timetable of works and site management procedures.

Reason: In the interests of health and safety and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within three months of the completion of the measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health and safety and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a monitoring and maintenance scheme, to include monitoring the long term effectiveness of the proposed remediation has been submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health and safety and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. If during development works any contamination is 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 the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours
- Saturday 0800 to 1300 hours
- Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of works a scheme of odour/fume control shall

be submitted to and approved in writing by the Local Planning Authority. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until a scheme which specifies the provisions to be made for the control of airborne dust emanating from the site during the development associated with the grade II\* listed cooling towers has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented through the course of the works associated with the development hereby approved.

Reason: In the interests of health and safety and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until a scheme specifying the provisions to be made for the control of noise emanating from the site during the development associated with the grade II\* listed cooling towers has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented through the course of the works associated with the development hereby approved.

Reason: In the interests of health and safety and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 12/1215/10 (MJ)  
**APPLICANT:** Mr S Dhaliwal  
**DEVELOPMENT:** Development of 6 terraced houses (amended details received 17/04/13).  
**LOCATION:** LAND ADJACENT TO 138 DYFFRYN STREET, FERNDALE, CF43 4ES.  
**DATE REGISTERED:** 17/04/2013  
**ELECTORAL DIVISION:** Ferndale

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**RECOMMENDATION:** Approve, subject to a S.106 Agreement.

**REASONS**

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**The proposal is considered acceptable in principle.**

**The proposal would make productive use of an underused site that would be in keeping with surrounding land uses and would not cause detriment to the amenities of neighbouring properties or highway safety. The proposal is in keeping with policies AW1, AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan and National Policy.**

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## **APPLICATION DETAILS**

Full planning permission is sought for the construction of six terraced houses on land between an existing dwelling at number 138 and Our Lady of Penrhys RC Church, Dyffryn Street, Ferndale. Due to the sloping topography of the site the proposed houses would be of a split-level design, involving two stories at the front facing Dyffryn Street and three stories and a lower basement parking courtyard at the rear facing the rear of properties in New Street.

Each dwelling would comprise three bedrooms with a loft room and basement utility room. The ground floor living accommodation would incorporate a balcony at the rear with steps connecting it to basement utility room and parking area. Each parking area would be capable of accommodating two vehicles off the rear lane off New Street.

The proposed dwellings will be sited immediately alongside and will match the ridge and eaves lines, and be similar in design and proportions to those in the adjacent terrace. The properties will be slightly deeper than the existing adjacent terrace and will incorporate single storey front bays that would be extended to double fronted bays on the end dwellings.

A stepped pedestrian access between the street frontage and rear lane will be retained at each end of the proposed terrace.

The application is accompanied by:

- A design and access statement;
- A Code for Sustainable Homes Pre-assessment Report.

It is noted that the proposal is identical to the scheme approved under application ref: 07/0866 which expired in January 2013.

## **SITE APPRAISAL**

The application site is a rectangular shaped plot of vacant land covering an area of approximately 0.06 hectare located within the settlement limits of Ferndale. It is

situated between the gable of the existing end of terrace dwelling at 138 Dyffryn Street and the Church, which is Grade II listed.

The site slopes steeply from the Dyffryn Street frontage down to the lane rear of New Street. At present it is a grassed embankment, though formerly occupied by houses that were demolished many years ago. The site is faced by a terrace of dwellings known as Oakland Villas and by the rear elevations of another terrace of dwellings in New Street. A traffic Order prohibits on-street parking along the Dyffryn Street frontage of the site.

## **PLANNING HISTORY**

Previous relevant planning applications that have been made on this site are as follows:

07/0866	Residential development of 6 new terrace houses(amended plans received 17/10/07)	Granted (Conditional) 15/01/2008
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## **PUBLICITY**

The application has been advertised by direct neighbour notification letters and site notices. One letter of objection has been received which is summarised as follows:

- Objections on the basis that the proposal represents the overdevelopment of the site. Objector also questions the need for four bedroom houses in the area.
- Dangerous vehicular access to site off New Street.
- Proposal will generate additional on-street parking in the locale, including in close proximity to the Dyffryn Street/Graig Terrace junction to the detriment to highway safety and free-flow of traffic.
- Loss of privacy and overshadowing arising from nearness and height of the development, balconies and raised garden terraces.
- Concerns are raised regarding the potential loss of privacy and overlooking caused by the proposed development to neighbouring properties.
- Development potentially affects structural integrity of neighbouring dwelling and highway.

## **CONSULTATION**

Council's Structural Engineer – no objections subject to a condition requiring the submission of a ground investigation report, design details of the retaining wall, a structural appraisal of the adjacent structures' foundations and the public highway (including a method statement).

Transportation Section – no objections subject to conditions and a financial contribution.

Public Health & Protection – no objections subject to conditions and informative notes relating to hours of construction, dust suppression measures, disposal of waste, etc.

Land Reclamation & Drainage – no objections subject to a number of conditions, including the submission of a full drainage scheme to the local planning authority for approval.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity.

## **POLICY CONTEXT**

The principal policies in the consideration of this application are as follows:

### Rhondda Cynon Taf Local Development Plan

The application site is identified as within the residential settlement boundary of Ferndale and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy CS4** – Housing Requirements.

**Policy AW1** – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported 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 place making, including landscaping.

### Planning Policy Wales

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.

The following Planning Policy Wales Chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 4 (Planning for Sustainability),  
Chapter 8 (Transport),  
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

The application site lies within settlement limits and in a predominantly residential area. As such, the principle of residential development is considered acceptable.

The key considerations in this case are whether the proposed development of the site for residential development will have an acceptable impact on the character and appearance of the surrounding area including the setting of the adjoining listed building; the impact of the development on the residential amenities of neighbouring properties, and the impact of the proposal on highway safety.

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.

### **Principle of development**

The first issue to be considered in this case is the principle of proposed residential development of the land having regard to prevailing local planning policies. The application site comprises unallocated vacant land, formerly occupied by houses, situated in a predominantly residential area where the principle of residential development is supported by local planning policies and normally considered acceptable.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policy CS1, which seeks to promote the reuse of previously developed land, and residential development in locations which will support principal towns and key settlements in the Northern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

## **Character and Appearance of the Area**

With regard to the impact of the proposal on the character and appearance of the area; it is considered that the use of the site for residential development will be in keeping with the existing residential character of the area.

The proposed scheme is for a total of 6 terraced properties, arranged over four floors in a simply designed terrace which continues the character of the street. The scheme takes account of the site's characteristics and context and as a result, it is considered that the layout is successful in creating a frontage along Dyffryn Street and following the established building line from no. 138 to the existing church building. Neighbouring residents have expressed the view that the proposal amounts to an insensitive development, out of sympathy with the character and appearance of the surrounding area. The submitted plans, however, indicate the proposed development makes good use of the site and the split level design responds to the constraints imposed by the steeply sloping topography. The dwellings would be no greater than the ridge and eaves height of the neighbouring terraced houses in Dyffryn Street. Their design and proportions would similarly match those of the adjacent dwellings, though they would incorporate features such as the bays and gables reflective of elements of the front elevations of Oaklands Villas opposite.

The proposed dwellings would be slightly greater in depth from front to back than the adjacent houses in Dyffryn Terrace and would have limited private amenity space to the rear. Consequently the rear elevations would be effectively four stories high and closer to the rear boundary of the plot and neighbouring dwellings in New Street than the existing dwellings. Given the steeply sloping nature of the site and the desire to preserve a significant degree of continuity in the front elevation street scene, there is little scope for a reduction in the scale of the rear elevations or to dispense with access balconies and external stairways. In any event, in comparison with the adjacent houses in Dyffryn Street, it is considered that the rear elevations of the proposed dwellings are neither significantly greater in scale nor significantly closer in proximity to the neighbouring dwellings in New Street. Also, in common with adjacent dwellings in Dyffryn Street the slope of the land limits the potential to create a reasonably sized and useable garden space, unless off-street parking is dispensed with.

Another aspect requiring careful consideration is the consequences of the proposal for the adjacent Our Lady of Penrhys Church, which is Grade II Listed, on account of it being a prominent and unusually distinctive Arts and Craft small church. Current national and local planning policies emphasise that new development should not be permitted if it is likely to damage, destroy or adversely affect the architectural and historic value of a statutorily listed building or fails to protect the character and setting of such a building. In recognition of this situation, the development attempts to create a coherent bridge between the listed building to the one side and the



terraced houses on the other. The scale and design is quite modest and, subject to an appropriate choice of materials, in sympathy with the simplicity of the adjacent Arts and Craft church. Accordingly, it is considered that the proposal does not adversely affect the architectural and historic value or the setting of the listed building.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Residential Amenity**

With regards to the impact on neighbouring residential amenity, concerns have been raised that include loss of privacy by overlooking to adjoining neighbouring properties. Whilst a degree of overlooking of the rear of houses in New Street from the raised balconies and stairways is inevitable (given the slope of the site), it would not be significantly greater than that which presently occurs from the rear of the neighbouring houses in Dyffryn Street.

The adjoining Church has recently been granted planning permission for its conversion to two residential units on the ground and lower ground floors of the church. It is acknowledged that the proposed development will have an impact on the windows in the western elevation of the Church building by overshadowing. The main windows affected are kitchen, utility rooms and bathroom windows which are located in the gable of the existing church. Having regard to the history of the application site and the fact that the windows affected by the proposed are secondary or very small, on balance, it is not considered that the impact of the proposed development on the occupiers of the adjoining church will be so detrimental to the amenity of the residents to warrant the refusal of the application.

The proposed terrace will be sited in a position to ensure that it will not have an overbearing impact on neighbouring residential properties to the rear of the site which follows the building pattern of the street scene. It is therefore considered that the proposed layout and scale of the building is acceptable.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal; however a number of conditions are specified. Matters relating to potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have also been raised, as such a condition to restrict the hours during which construction operations may be undertaken is also suggested. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that such impacts could be minimised by the imposition of appropriate conditions. Overall, it is not considered that the temporary impacts experienced during the period of construction would be so great as to warrant the refusal of the application.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and on balance; it is considered that the development would have an acceptable impact on residential amenity. The proposal is therefore considered to comply with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Highway Safety**

With regard to the impact of the proposal on highways safety, the Council's Transportation Section has raised no objections to the application subject to conditions.

Concern has been expressed by neighbouring residents that the development would give rise to a highway hazard due to the generation of on-street parking and the intensification of use of a poor access off New Street. In response to the concerns it is acknowledged the site fronts onto the A4233 Dyffryn Street/Oakland Terrace, where available on street parking in the vicinity is in considerable demand. However, each of the proposed dwellings would have two parking spaces accessed off the rear lane from New Street, which meets the current Parking Guidelines. In addition, the use of the rear lane as a secondary means of access for another six dwellings has not attracted concern from the Transportation Section. Moreover, although the proposed dwellings would be sited almost right up against the back edge of the footway, the gentle sweep of the bend in the highway, across the site frontage, means the dwellings would project no more than 1.4m forward of a direct line from the corner of the Arts and Craft Church and 138 Dyffryn Street. As such it is considered there would be no significant impact on the visibility of motorists.

The proposal involves the widening of the rear lane to 4.1m which in turn will allow for two cars to pass one another, reducing the amount of vehicle reversing movements which is considered acceptable. There are bus stops located a short walking distance from the proposed site and it is considered that the site is in a sustainable location and the need for maximum car parking standards would not apply in this case. However, the Transportation Section has suggested that the applicant provides a financial contribution to provide an additional bus stop in closer proximity to the site. The application also attracts a Transport Tariff of £9,024.

Having regard to the above, the application is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

### **PLANNING OBLIGATIONS**

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require

payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case**

It is noted that through the course of the application, consultation with the Transportation Section has generated requests for the applicant to enter into a Section 106 agreement. It is suggested that the financial contributions requested would potentially enhance the quality of the development and off-set any potential detrimental impact upon local facilities and the environment. The terms of the agreement and the commuted sums required are set out below.

1. Payment of a Transport Tariff (£9,024).
2. Financial contribution towards improving and upgrading the nearby bus stop and its future maintenance (£9,192).
3. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

It is considered that this requirement meets all of the aforementioned tests and is compliant with the relevant legislation. The applicant is yet to agree all contribution requests and it is requested that Members grant delegated powers to officers to discuss the requirements with the applicant, in consultation with the Local Members should they wish to approve the application.

### **Conclusion**

Taking all of the above considerations into account it is concluded that the proposed development of the site for residential purposes is acceptable and is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the

character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

**RECOMMENDATION: Grant**

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. Construction works on the development shall not take place other than during the following times:
  - i) Monday to Friday 0800 to 1800 hours;
  - ii) Saturday 0800 to 1300 hours;
  - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements (including highway surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5<sup>th</sup> Edition) November 2012.

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5<sup>th</sup> Edition) November 2012.

8. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5<sup>th</sup> Edition) November 2012.

9. The site boundary fronting the lane to the rear shall be set back to provide a carriageway widened to at least 4.1m, in accordance with details to be submitted to and approved by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to development being brought into beneficial use.

Reason: In the interests of highway safety.

10. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with submitted plan I (00) 002 rev pl p1 pl1 pl2 pl and approved by the local planning authority. The garages shall be retained for the parking of vehicles thereafter unless agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

11. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

12. HGV's used as part of the development shall be restricted to 09:30am to 16:00pm weekdays, with no deliveries on weekends and bank holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

13. Prior to the commencement of development, a detailed site investigations report and method statement (including a structural appraisal of the public highway and structures adjacent to the site) shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local

Development Plan.

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**APPLICATION NO:** 13/1010/10 (BJW)  
**APPLICANT:** Porth Harlequins Sports and Social Club  
**DEVELOPMENT:** Proposed development of '3G' artificial surface training pitch with associated car parking & access  
**LOCATION:** LLWYNCELYN FOOTBALL GROUND, NYTHBRAN TERRACE, PORTH  
**DATE REGISTERED:** 08/10/2013  
**ELECTORAL DIVISION:** Porth

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**RECOMMENDATION:** Approve

**REASONS:**

The proposed development would utilise a infrequently used edge of settlement site and provide a community based leisure facility that would compliment existing adjacent leisure uses in the locality and not have a detrimental impact on the amenities of neighbouring properties.

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**APPLICATION DETAILS**

Full planning permission is sought for the development at Llwyncelyn Welfare Field including the extension of the existing car parking facilities at the Sports and Social Club and the installation of a 3G artificial surface training pitch on a piece of adjoining land located to the east of the main field.

The extension to the car park would involve the formal laying out of the existing car park at the site, and the utilisation of an overgrown path, to create 45 parking spaces and 2 disabled parking bays.

The new 3G training pitch is proposed to be located on a piece of reclaimed colliery tip to the east of the main field. The proposed training pitch would measure 32m by 52m; would be enclosed by a 5m high weld-mesh fence; be accessed from the extended car park area and would feature 4 floodlighting towers 12m in height with cowling to direct the light onto the playing surface and away from nearest houses.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposed development will provide training facilities at the club and for all sports enthusiasts in the area. It is hoped that the facility will encourage the local communities and schools to take up and participate in sports.

## SITE APPRAISAL

The site is an irregularly shaped piece of land located to the east of the main playing pitch of Llywncelyn Welfare Football Ground. The area, including the Welfare Ground and its attendant buildings and infrastructure are located on a reclaimed colliery tip.

The existing car park, which it is proposed to extend and formally lay out is located to the east of the clubhouse and would provide access to the proposed training pitch via a gated entrance.

The site of the proposed pitch is currently an informal recreational area with a series of informal paths and well-established ground flora.

The site is bounded by residential properties to the north in Nythbran Terrace and an unnamed road to the east of the site of the proposed pitch which leads to Bridge Street and Trehafod.

## PLANNING HISTORY

98/6563/25	Porth Harlequins Rugby Football Club Nythbran Terrace Porth	Informal Enquiry for alterations to fit four windows openings in function hall	Permission Not Required 12/10/98
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## PUBLICITY

This has included site notices and the direct notification of properties surrounding the site six responses have been received, 1 objecting to the application and 5 supporting the proposal. The main points of the responses are detailed below:

### Objector

1. The application would benefit only the owners and members of the club and not the community as a whole.
2. The current area of land is used for informal recreation (dog walking, building bonfires, sitting out etc.) by the local community, this would be lost.
3. There are other more suitable sites for the proposed training pitch that would not affect any residential properties.
4. The area was redeveloped from a colliery tip to its current form by a partnership of the Forestry Commission and the Coalfields Regeneration Trust and the works benefited the whole community. This development would be a regressive step and would be detrimental to the whole community.
5. Increased levels of noise and light pollution from the training pitch.



6. The development will surround the existing children's playground with car parks which is a danger to their safety and denies them the opportunity to play
7. There have been a number of under reported incidences of anti-social behaviour associated with the site and this development will add to the problem.
8. The artificial pitch could increase flood risk in the surrounding streets as there is no evidence that the pitch encourages natural drainage.
9. There are already sufficient facilities for team play in the area.
10. Loss of view and daylight.
11. Devaluation of property.
12. Loss of flora on site.
13. Lack of adequate parking facilities.

### Supporters

1. Good use of a redundant and underused piece of land.
2. We need more leisure facilities in the area.
3. The proposal will improve facilities creating a "sports hub" for the club and local residents to use.
4. There are plenty of other paths in the area for dog walking and the proposal will not affect the view of Trehafod from the seating area in the east.
5. The development could provide benefits not only for the residents of Llwynceilyn or Porth but possibly the Lower Rhondda.

## **CONSULTATION**

Transportation Section – due to the sustainable location close to both bus and rail links on balance no objection is raised.

Land Reclamation and Engineering – some concerns are expressed with regard to the disposal of surface water drainage through infiltration techniques and limited alternative options should this not be feasible. However, recommends conditions to be attached to the consent relating to a Hydrological Impact Assessment, the confirmation of ground conditions in accordance with BRE365 and the approval of a comprehensive drainage scheme.

Public Health and Protection Division – no objection, subject to a condition to restrict the hours of operation during the construction period and informative notes relating to the creation noise, dust waste and potentially contaminated previous land uses.

## **POLICY CONTEXT**

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

The application site lies outside but adjacent to the settlement boundary of Porth.

**Policy CS1** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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

**Policy AW5** - lists amenity and accessibility criteria that will be supported in new development proposals.

**Policy AW6** - lists design and place making criteria that will be supported in new development proposals.

**Policy AW10** – lists noise pollution, light pollution and flooding and their affect on amenity and public safety as issues to be considered in determining development proposals.

## **National Guidance**

### **Planning Policy Wales:**

Chapter 4 – Planning for Sustainability

Chapter 11 – Tourism, Sport and Recreation

Paragraph 11.3.3 - Authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public.

### **Technical Advice Note (TAN) 16: Sport, Recreation and Open Space, 2009**

Section 3.20 - wherever possible, major sports and recreation facilities should be located in, or adjacent to town centres. Where such areas are not available, consideration should be given to edge of centre sites. Wherever possible, walking should be the primary means of access to such facilities, followed by cycling and the use of public transport, with private transport the least favoured option.

### **Technical Advice Note (TAN) 11: Noise**

Section 3 - provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.

Section 8 - local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

Section B21 - For these (sports and recreational) activities the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people.

## **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 site is outside the defined settlement boundary where development is usually restricted to certain categories. It is considered that leisure uses are certainly one of the types of uses that are acceptable in such areas.

Additionally, the site is on the settlement boundary and is therefore considered to be edge of settlement and is also adjacent to an existing leisure use in the form of the Welfare Ground and its ancillary buildings.

Consequently, it is considered that the principle of extending the leisure facilities of the Welfare Ground are acceptable in principle subject to compliance with amenity and other environmental issues.

#### **Impact on neighbouring properties**

The training pitch proposal is of an acceptable scale that can be accommodated on the site without leading to over development. Due to the lower level of the land and the distance from the closest neighbouring property, 34m, it is considered that the proposed training pitch would not have an adverse impact on the amenities of neighbouring properties in terms of noise nuisance. The area of land has also been used for informal recreational purposes for a number of years.

With regard to the effect of the floodlighting columns the light levels would be controlled by the cowling added to the light enclosures that would direct the light onto the playing area and away from neighbouring properties. Consequently, it is considered that the proposal would be acceptable in this respect.

The extension and formal laying out of the rear car parking is considered to be of an acceptable standard that would direct traffic away from residential properties and to the back of the site. It is also considered that the increase in parking provision would improve the existing situation in the surrounding area.

Consequently, it is considered that the proposed training pitch and car park extension would not have a detrimental impact on neighbouring properties and is acceptable.

In terms of antisocial behaviour if there is an existing under reported problem then there are suitable means of addressing this issue under other legislation. It is not considered that the proposed works would lead to increased levels of such activity or provide the increased opportunity for such activity.

It is acknowledged that there has been an objection to the application however, there have also been several letters of support from neighbours as part of the consultation process.

Therefore, having regard to the issues outlined above it is considered that the proposal is acceptable in this regard.

### **Effect on the visual amenity of the area**

The proposals are considered to be of an acceptable design and scale that would be in keeping with the character and appearance of the adjacent leisure use and the surrounding area.

The extended car park would be located to the rear of the site and would utilise the existing car park area albeit on a more formal basis.

The proposed training pitch would be of an acceptable design and appearance that would be in keeping with the adjacent land use and the character and appearance of the area.

It is acknowledged that the proposal would lead to the loss of an informal recreation area however, it is considered that the resultant proposal would integrate well with the existing leisure use and would be of an acceptable design and appearance for this edge of settlement site.

### **Drainage issues**

There have been concerns raised over the effect of the development on the drainage of the area. The Council's Drainage Section considers that infiltration methods of drainage are unproven and may not be suitable at the site. However, subject to a suitable hydrological assessment, the confirmation of ground conditions for soakaways and an agreed drainage scheme no objection has been raised.

Ideally this information would be part of the application submission and therefore it is considered that should consent be granted, the requirements should be sought prior to any works, including site clearance being undertaken.

Consequently, subject to the suggested drainage conditions, the proposal is considered to be acceptable in this regard.

### **Highway safety**

The Transportation Section has raised no objection to the application, subject to conditions. This view acknowledges that the proposal is accessed via a sub-standard network of residential streets but is for an extension to the existing facilities to provide an all weather training pitch and community facilities. Therefore conditions have been suggested to improve traffic flows within the site and allow vehicles to pass each other and improve the vision splay at the entrance. It is considered that the increase in car parking provision would suitably cater for any increased requirement that the new training pitch would generate.

Consequently, subject to the conditions suggested, it is considered that the application is acceptable in this respect.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, highway safety, drainage issues and the impact neighbouring properties (policies AW5, AW6 and AW10).

### **RECOMMENDATION: Grant**

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. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. Construction works on the development shall not take place other than during the following times:
  - i) Monday to Friday 0800 to 1800 hours;
  - ii) Saturday 0800 to 1300 hours;
  - iii) Not at any time on Sundays, Bank or Public holidays, unless

otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The lighting hereby approved, shall only be illuminated when the sports pitch is in use for training purposes and only between the hours of 16.00 and 21.00, Monday – Saturday, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent light pollution and protect the character and appearance of the surrounding area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The development shall not be brought into use until space has been laid out within the site for 45 vehicles to be parked in accordance with submitted layout plan dated 28/08/2013 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Before the development is brought into use the private access road, shall be widened to 4.1m for its full length in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

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

7. The tree to the left of the access shall be trimmed back to provide a 2.4m x 40m vision splay and retained thereafter.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of development, details of wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No training pitch shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development whatsoever shall be allowed to commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment including proposed mitigation, design details and a development program with respect to:

- a) Protection of culverted sections of the existing watercourse during and after construction.

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

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**APPLICATION NO:** 13/1020/10 (JB)  
**APPLICANT:** Miss K Evans  
**DEVELOPMENT:** Reconstruction and repositioning of rear garden retaining wall.  
**LOCATION:** 13 BRYN TERRACE, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2ER  
**DATE REGISTERED:** 08/01/2014  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION: Approve**

**REASONS:**

**The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.**

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## **APPLICATION DETAILS**

Full planning permission is sought for the reconstruction and repositioning of a retaining wall in the rear garden of 13 Bryn Terrace, Llantwit Fardre, Pontypridd, CF38 2ER.

The proposed development will incorporate the reconstruction, repositioning and enlargement of an existing retaining wall. The proposed retaining wall will measure 5.20m in width, running the entire width of the rear garden. It will measure 3.00m in depth on the SW elevation and 3.50m on the NE elevation. The proposed retaining wall will be sited approximately 22.00m away from the rear elevation of the existing dwelling. The height of the wall is to measure 1.80m from the existing ground floor level, measuring 0.10m higher than the previous retaining wall. The wall is to be block built with the possibility of brick facing.

The development will also incorporate timber steps to the front of the wall which will measure 2.35m in width and 0.70m in depth. The steps will provide access from the rear garden to the top of the proposed retaining wall/parking area and will measure a maximum height of 1.80m.

The proposed development aims to provide additional parking spaces to the rear of the property.

## **SITE APPRAISAL**

The application site is a terraced property situated within a residential area of Llantwit Fardre, Pontypridd. The property is set back approximately 2m from the main road by a small front garden and has a large enclosed sloping garden to the rear which is bound by a hedgerow to the West and a block wall to the East. The rear garden of the property is substantial in size, measuring 5.5m in width and 27m in length. Neighbouring properties along the Terrace have rear gardens of a similar dimension and have incorporated similar developments with respect to massing and scale.

## **PLANNING HISTORY**

92/0027/10	Kitchen and Bedroom Extension	Granted
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## **PUBLICITY**

The application has been advertised by means of direct neighbour notification.

One letter of objection has been received. The objection letter refers to the design of the proposed development and raises concerns over potential overshadowing and



overlooking onto the neighbouring properties. The letter also raises concerns over the structural integrity of the retaining wall.

## **CONSULTATION**

Building Control – no objection.

No other representations have been received.

## **POLICY CONTEXT**

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

**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 place making, including landscaping.

### **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 Chapter 4 (Planning for Sustainability) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

## **Principle of the proposed development**

The application relates to the repositioning and reconstruction of an existing retaining wall in the rear garden of a residential property and the principle of development is therefore acceptable subject to the criteria set out below.

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

The proposed retaining wall is considered to be acceptable in terms of the scale, design and overall visual appearance. It would measure 5.20m in width, 3.00m in depth on the SW elevation and 3.50m in depth on the NE elevation.

The retaining wall would measure 1.80m in height from the existing ground floor level and would incorporate materials to match those of the existing dwelling and surrounding area.

The proposed timber constructed steps on the South elevation of the retaining wall are also considered to be acceptable in terms of the scale, design and overall visual appearance. The steps would measure 2.35m in width, 0.70m in depth and a maximum of 1.80m in height.

As such, it is considered that the proposed retaining wall and timber steps would be a sympathetic and subservient addition to the property and therefore would not have a significant impact on the character and appearance of the existing property or wider area.

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

It is not considered that the proposed retaining wall and steps would have a detrimental impact upon the residential amenity or privacy of neighbouring properties.

The proposed development is not considered to have an overshadowing or overbearing impact upon the surrounding neighbours due to the siting, massing, scale, distance between the development and neighbouring properties and the sympathetic design.

There are no overlooking issues to address due to the nature of the proposed development and with consideration to the fact that the development will be sited over 21.00m away from the rear elevation of the nearest neighbouring property.

The Building Control Department at RCT have been consulted on this application and have raised no objections or concerns with respect to the structural integrity of the proposed development.

## **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

**RECOMMENDATION: Grant**

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 external materials of the proposed retaining wall shall match as near as possible the materials of the existing dwelling.

Reason: To ensure that the retaining wall is in keeping with the existing building in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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**APPLICATION NO:** 13/1026/10 (EL)  
**APPLICANT:** Ambassador Fire and Security Ltd  
**DEVELOPMENT:** One detached building to accommodate main business office (B1 use) (Amended parking layout received 16/01/14 and amended site location plan received 24/01/14)  
**LOCATION:** TAFFS WELL LIBRARY, CARDIFF ROAD, TAFFS WELL, CARDIFF, CF15 7PL  
**DATE REGISTERED:** 24/01/2014  
**ELECTORAL DIVISION:** Ffynon Taf

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**RECOMMENDATION: Approve subject to conditions**

**REASONS:**

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed use is compatible with the neighbouring land uses, and the building and site layout is acceptable in terms of its terms of scale, design; impact on residential amenity and highway safety.

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## **APPLICATION DETAILS**

Full planning permission is sought for the construction of a Class B1 office building on the site of the former Taffs Well Library, located off Cardiff Road, Taffs Well.

The proposed building would be situated adjacent to the north east site boundary. It would be a two storey construction, with a cross gable roof construction extending to 6.7 metres at its ridge and 5.0 metres at its eaves. The proposed building would measure 12.0 metres in length and 7.6 metres at its widest point, narrowing to 6.5 metres. At ground floor, the layout would provide an office space, store room and staff facilities, including w.c. At first floor, would be a large meeting room and a further store room. It is proposed that the building elevations be finished with facing brickwork and a tiled roof.

A parking area would be provide to the front (south west) and side (south east) of the proposed building. A total of 5 no. car parking spaces would be provided. A bike store area would also be provided to the (south east) side of the building. Access to the site is gained via a lane that connects with Cardiff Road to the south west.

## **SITE APPRAISAL**

The application site is a parcel of land that extends to an area of approximately 490m<sup>2</sup>. The site, which consists of level ground, is currently vacant with the former library building having already been demolished. Its north eastern boundary is currently defined by palisade fencing. The site is situated within a small group of commercial and community uses. To the north east is the health centre and a pharmacy, to the south west is Taffs Well Community Hall and to the north is a commercial garage. To the south east, the rear of the residential terrace of Garth Street is visible. Access to the site is gained via a lane that connects with Cardiff Road to the south west. Cardiff Road is the main road through the village of Taffs Well.

## **PLANNING HISTORY**

There is no relevant planning history on the site in question.

## **PUBLICITY**

The application was advertised by direct neighbour notification and site notices. Three letters of representation have been received, which are summarised as follows:

The first letter has been prepared by Janet. L. Jordan & Co. Solicitors, on behalf of the Charity known as Taffs Well Village Hall Charitable Trust.

An objection is raised to the planning application.

- It is commented that they are currently in contact with the Council's Legal and Property Officers on the subject of whether the sale of the land by the Council for private development amounted to an illegal transaction, as the land in question is subject to charitable trusts.
- In addition to this they also claim that, in accordance with the charitable trusts, the area of land in question should be devoted to the benefit of the public in Taffs Well, being located between the Welfare Hall and Health Centre.
- It is commented that the use of the site as an office would not represent a public use.
- It is asked that the planning application be deferred until the dispute in question has been resolved.
  
- The remaining letters comment on the means of access to the site.
- It is commented that the lane, which serves the site is jointly owned by the medical centre and Halfway Garage. It is commented that neither party has been contacted by the applicant with regard to any rights of access to the site. It is claimed that the applicant would need authorisation from the landowners to use the access road.
- It is noted that the medical centre requires access for emergency vehicles during opening hours.
- It is noted that people already park on the access road, without permission, causing problems for the garage and medical centre.
- It is commented that the road is always busy and is ill-equipped to deal with any additional traffic flows.

## **CONSULTATION**

Transportation Section – no objections raised, subject to conditions.

Land Reclamation and Drainage – no objections raised, condition recommended.

Public Health & Protection – no objections raised, it is noted that a search of the records held by the Council's Public Health & Protection Section has revealed that the site lies within 250 metres of a landfill site, as such, there is potential for contamination and adverse ground conditions to exist on site. Therefore, a site investigations condition is recommended.

Welsh Water – no objections raised.

## **POLICY CONTEXT**

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits













































































































