



## **PLANNING & DEVELOPMENT COMMITTEE**

**15 OCTOBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0542/13 (KL)  
**APPLICANT:** Mrs J Thau  
**DEVELOPMENT:** Outline application for the demolition of public house & construction of 8 residential dwellings with parking (some matters reserved) (Bat survey rec. 05/08/2020) (Amended plans rec. 13/08/2020 & 19/8/2020).  
**LOCATION:** RHYDYFELIN SPORTS BAR, DYFFRYN ROAD, RHYDYFELIN, PONTYPRIDD, CF37 5ES  
**DATE REGISTERED:** 19/08/2020  
**ELECTORAL DIVISION:** Rhydyfelin Central

---

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

**REASONS:** The application site is located within the defined settlement boundary and within an established residential area which is well served by key local services and amenities as well as a range of public transport options.

The proposed dwellings are considered to be appropriately sited within the site and the number and scale of dwellings proposed, as well as associated off-street parking and amenity space, can reasonably be accommodated within the site without leading to its overdevelopment or resulting in an adverse impact upon the character and appearance of the site and surrounding area or upon the amenity and privacy of existing neighbouring properties.

Furthermore, the proposed access and parking provision proposed is considered to be acceptable.

Consequently, the application is considered to comply with the relevant policies of the Local Development Plan.

---

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

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

#### **APPLICATION DETAILS**

Outline planning permission is sought for the construction of 8 dwellings on a brownfield site currently occupied by Rhydyfelin Sports Bar, which is located off Dyffryn Road in Rhydyfelin. Some matters of detail are reserved for future consideration however, this application includes details of access, layout and scale for consideration (appearance and landscaping are omitted).

The proposed dwellings would be set fairly central within the plot and would form a terrace of townhouses which would be set back from the existing access road to the front (south). Each dwelling would have three off-street parking spaces (one in an integral garage and two to the front of each respective dwelling) and private amenity space to the rear.

The dwellings would each measure 5.4 metres in width by 11.3 metres in depth (13.1 metres including the small entrance porch) with a roof design that would measure 10.4 metres in height to the ridge and 7.7 metres in height to the eaves. As indicated above, details of appearance are reserved for future consideration.

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

- Bat Survey (Rec. 05/08/2020);
- Design & Access Statement (rec. 01/07/2020);

The proposal has been amended during the course of the application due to concerns being raised by the Council's Highways and Transportation section in relation to the original access and parking arrangements proposed. Amended plans were submitted following discussions between the applicant and Highway officers.

## **SITE APPRAISAL**

The application site is located to the eastern side of Dyffryn Road in the village of Rhydyfelin. It measures approximately 1800m<sup>2</sup> (0.18 ha) and is relatively level in ground profile, although it is noted that the rear (north) of the site is defined by a large retaining wall, resulting in the adjacent land being set at a much higher level. The site is currently occupied by a large, detached building (most recently used as a sports bar), which would be demolished to accommodate the proposal. Access is off Dyffryn Road/Masefield Way to the west with a road running along the southern boundary of the site.

The surrounding area is predominantly residential in character, although there are a small number of commercial properties located immediately to the north. The former Glyntaff Close (Elderly Persons Home) previously stood to the east of the site however, this has recently been demolished and the site is currently vacant.

Existing residential properties in the surrounding area vary in terms of their scale and design and it is noted that there is a development of three-storey townhouses in the immediate vicinity.

A number of trees are situated to the northern and southern boundary, which the applicant has confirmed will be retained and unaffected by the proposal.

It is also noted that there is a dilapidated building located at the north-eastern corner of the site (outside of the red line boundary plan submitted with this application). Details submitted with the application indicate that whilst the applicant owns the lease to the land, access to the building and all the land around it, the actual building footprint freehold is owned by another party and is therefore to be retained.

## **PLANNING HISTORY**

The following planning applications are associated with the application site:

**11/0701/10:** Rhydfelin Gym JKA Fitness Ltd, Dyffryn Road, Rhydyfelin, Pontypridd, CF37 5RW  
Change of use from members club to public house  
Decision: 27/07/2011, Granted

**96/2235/13:** Rhydfelin Gym JKA Fitness Ltd, Dyffryn Road, Rhydyfelin, Pontypridd, CF37 5RW  
Adaptation of and extension to 2 no. community buildings to form joint use community/training facility.  
Decision: 18/02/1997, Granted

**96/2348/10:** Rhydfelin Gym JKA Fitness Ltd, Dyffryn Road, Rhydyfelin, Pontypridd, CF37 5RW  
Change of Use to Evangelical Church.  
Decision: 18/02/1997, Granted

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification and through the erection of 3 site notices in the vicinity of the site. Further consultation (direct neighbour notification and site notices) was undertaken upon receipt of amended plans. No letters of objection or representation have been received.

## **CONSULTATION**

**Countryside, Landscape, Ecology** – No objection, subject to condition. A European Protected Species License is also required.

**Dwr Cymru Welsh Water** – Foul flows are proposed to be disposed of via the public sewerage system and no objection is raised. Surface water disposal is proposed to be via a sustainable drainage system and a condition is recommended to ensure that there is no detriment to the public sewerage system. Further advisory notes are also recommended.

**Highways and Transportation** – No objection, subject to conditions

**Natural Resources Wales** – No objection. European Protected Species License required.

**Public Health and Protection** – No objection, subject to standard conditions relating to hours of operation, noise, dust and waste. Whilst the recommended conditions are noted, these issues can be dealt with by separate legislation and the conditions are therefore not considered necessary and advisory notes would be sufficient in this instance.

**South Wales Police** – No objection. A number of recommendations are made which can be added to any grant of planning application as advisory notes.

**Western Power Distribution** – Advises that a separate application will need to be made to WPD if a new connection or service alteration is required.

No other consultation responses were received at the time of writing this report. Any further responses received will therefore be presented orally at the Planning and Development Committee meeting.

## **POLICY CONTEXT**

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

The application site is located inside the defined settlement boundary, within the Southern Strategy Area. It is not allocated for any specific purpose. The following policies are considered to be relevant to the application:

**Policy CS2** – emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy CS4** – defines housing land requirements.

**Policy CS5** – sets out that housing requirements identified in Policy CS4 will be expected to contribute to established community housing need by providing affordable units.

**Policy AW1** – sets out the means by which new housing will be delivered through the development plan.

**Policy AW2** – advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW4** – states that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities,

infrastructure and related works, to make the proposal acceptable in land use planning terms, i.e. affordable housing.

**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.

**Policy AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** – development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy SSA11** – requires proposals for residential development to have a net residential density of at least 35 dwellings per hectare.

**Policy SSA12** – states that a provision of 20% affordable housing will be sought on sites of 5 units or more.

**Policy SSA13** – development will be permitted within the defined settlement boundaries where they proposal would not have an adverse effect on the provision of open space,

## **Supplementary Planning Guidance**

Design and Placemaking

Nature Conservation

Access Circulation and Parking

Affordable Housing

## **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 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

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.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

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:**

It is considered that the key considerations in the determination of this planning application will be whether the principle of residential development at the application site is acceptable in the first instance, and if so, whether the site is capable of accommodating the proposed dwellings, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

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

The application site is located within the defined settlement boundary and within an area that is characterised by both residential and commercial properties. It has good access to key local services and amenities, such as shops and schools, and is accessible by a range of sustainable modes of transport, including local bus and train services, within reasonable walking distance. The surrounding area is also conducive to travel on foot and bicycle and the site is therefore considered to be situated within a sustainable location, as defined in Policy AW2 of the Rhondda Cynon Development Plan. The proposed residential use of the site is therefore considered to be compatible with the surrounding area and the proposal would therefore comply with this policy.

The proposal is also considered to be in line with Policies AW1 and SSA13 which both seek to direct residential development to areas and sites within settlement boundaries, provided that it can be demonstrated that the development is accessible to local services by a range of sustainable transport, on foot or by bicycle and provided that it does not adversely affect the provision of car parking in the surrounding area. As detailed above, the site is located in a sustainable location with good access to key services and a range of sustainable transport options. It is also noted that the Council's Highways and Transportation Section raise no objection to the proposal in terms of the impact of the proposal on highway safety and parking (discussed further later).

In addition to the sustainability of the site, the proposal would also need to comply with Policy SSA11, which requires proposals for residential development to have a net residential density of at least 35 dwellings per hectare. With a total of 8 dwellings proposed on a site measuring 0.18ha, the proposed net density generated by the proposal is approximately 45 dwellings per hectare. The application therefore complies with Policy SSA11.

Policy SSA12 seeks a provision of 20% affordable housing on sites of 5 units or more. With a total of 8 units proposed, the application would need to comply with this policy. Whilst no details of affordable housing have been included within the application, at least 1 unit of affordable housing is required and this can be secured via a S106 agreement. The Council's Housing Strategy team have recommended, based on the finding of the Local Housing Market Assessment 2017/23, that 1 no. 3 bedroom house be offered for Low Cost Home Ownership (market standard).

Therefore, in light of the above, the redevelopment of the site for residential use is considered to be acceptable in principle, subject to other relevant material planning considerations discussed below.

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

The application is made in outline however, details of siting and scale are included in this application for consideration. The plans submitted with the application indicate that the dwellings would be arranged in a linear terrace through the centre of the site with off-street parking provided to the front and private garden space to the rear. They would be of a three-storey scale with integral garages and an entrance porch to the ground floor.

The site is considered to be physically large enough to accommodate the number of dwellings proposed as well as their associated off-street car parking and amenity space provision without leading to overdevelopment of the plot. It is noted that there are a number of three-storey dwellings with a similar arrangement in terms of layout and scale to the proposed dwellings in the immediate vicinity and it is therefore not considered that the proposed dwellings would be out of keeping with the surrounding area.

Details of design are not included for consideration in this application and full details of window arrangements and finishing materials would therefore be considered at reserved matters stage.

Consequently, it is not considered that the proposed development would have an adverse impact upon the character and appearance of the surrounding area and the proposal would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

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

As detailed above, the siting and scale of the proposed dwellings are included in this application for consideration. The dwellings would be set at a notably lower ground level than the nearest neighbouring properties, which are located approximately 20 metres away from the northern boundary (flats above shops). Furthermore, there is an element of screening available at this boundary in the form of a number of trees that are to be retained and, as such, it is not considered that the proposed dwellings would result in any overbearing, overshadowing or overlooking impact that would be detrimental to the amenity and privacy of existing residential properties.

Properties to the south of the site (Oak Street) are located at a lower ground level than the application site but are situated approximately 40 metres away and are separated from the site by a band of established trees and a public footpath which provides a buffer/screen. It is therefore not considered that these properties would be impacted by the proposal in this regard.

Furthermore, due to the level of screening created by the trees to the north and south of the site, it is unlikely that the amenity and privacy of the future occupiers of the proposed dwellings would be adversely affected.

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

### **Access and highway safety**

The application has been assessed by the Council's Highways Development Control team with a view to assessing the potential impact of the proposal on highway safety in the vicinity of the site. Whilst concern was initially raised with regards to the access arrangements proposed, discussions were held between the applicant and Highways Development Control officers and amended plans were submitted accordingly. The comments received in relation to the amended plans raise no objection to the proposal (subject to conditions) and are summarised as follows:

#### *Access and Circulation*

The proposed development would be accessed via the existing unnamed road that provides access to the side of the existing Public House and a parking/turning area to the rear. The proposal indicates that the site boundary is to be set back to provide a 2.0m wide footway fronting the development with each of the 8 dwellings being served via a vehicular crossover. There is also sufficient space available for vehicles accessing the unnamed road to enter and exit in a forward gear and, as such, the proposal is considered to be acceptable in this regard.

#### *Parking*



The proposed plans indicate that the development would provide 8 no. 3 bedroom dwellings which would have an off-street parking requirement of 3 off-street car parking spaces per dwelling, plus a further requirement of 1 space per 5 dwellings for visitors, which equates to a total requirement of 26 spaces (including 2 visitor spaces).

The amended plans indicate that each dwelling has provision of an integral garage which is of a sufficient size to act as a parking space with a further 2 spaces on a driveway to the front elevation. This equates to a total of 24 spaces. Given that the unnamed road to the front of the site is a cul-de-sac with a width of 5.5 metres, it is considered that short-term visitor parking can be accommodated on-street without undue detriment to highway safety and the free flow of traffic. As such, the proposal is considered to be acceptable in terms of the level of parking proposed.

Taking the above into consideration, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues:**

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

### **Ecology**

#### *Bats*

The application is accompanied by a Bat Survey (Dated June 2020), which indicates that a small common pipistrelle bat roost has been found under the fascia timbers of the existing building. The report recommends the provision of a temporary and short-term alternative roost at the property (installed prior to commencement of any demolition/development activity) as well as long-term provision in at least one of the new structures on the re-developed site (positioned on a gable end wall with a southerly outlook). The submitted plans have been amended accordingly to include the features recommended in the report.

The Council's Ecologist notes that the report sets out recommendations for a two phase bat mitigation approach and considers this to be reasonable. Furthermore, no objection has been raised by NRW, although it is noted that an European Protected Species (EPS) license is required and an advisory note to this effect is recommended in the event that the application is approved.

#### *Nesting Birds*

The Bat Survey submitted also highlights evidence of nesting birds and therefore sets out a number of recommendations to ensure demolition takes place outside of the nesting bird season. It is recommended that this be secured via a suitably worded condition.

Consequently, it is not considered that the development would have an unacceptable impact upon nature conservation and the proposal is therefore considered to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters, CIL is not payable at outline stage, but will be calculated for any future reserved matters of full applications.

### **Section 106 Contributions / 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:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and,
- c. fairly and reasonably related in scale and kind to the development.

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. 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**

The proposal would provide 8 residential units in the Southern Strategy Area and Policy SSA12, which requires residential developments for 5 or more units to provide 20% affordable housing. In the case of this application, 1 unit is required to be offered for affordable housing and the Council's Housing Strategy have specified the need for 1 no 3 bedroom dwelling for Low Cost Home Ownership (market standard) in the area.

Therefore, a S106 agreement will be required to ensure that one unit is established and maintained as an affordable unit for the continued purpose of meeting identified local needs.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation.

## **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the impact it would have on the character and appearance of the site and surrounding area, the impact it would have on the amenity and privacy of surrounding residential properties and in terms of the impact it would have on highway safety in the vicinity of the site.

## **RECOMMENDATION: Grant**

1. (a) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
  
(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.  
  
(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

- Drawing No. 1928.SLP. Rev A: Site Location Plan (rec. 16/06/2020);

- Drawing No. 1928.PL01C: Proposed Site Plan (rec. 19/08/2020);
- Drawing No. 1928.PL02B: Proposed House Type Plans (scale & bat mitigation measures) (rec. 13/08/2020)

and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

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. Notwithstanding the submitted plans, development shall not commence until details providing for of a 2.0m wide footway and vehicular crossovers across

the site frontage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to beneficial of any dwelling.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and the free flow of traffic.

7. Off-street parking shall be laid out and construction on site in permanent material in accordance with submitted drawing no. "1928.PL01 Rev C" prior to beneficial occupation of any dwelling and, together with the proposed integral garages, shall be retained for the purpose of vehicular parking only.

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

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

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

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

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

9. HGV's used as part of the development shall be restricted to 9.00am to 16.30pm weekdays, 9.00am to 13.00pm on Saturday and no deliveries on Sunday and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

10. 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 before the buildings 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.

11. Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of the amenity and privacy of neighbouring residential properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The works shall be carried out in accordance with the recommendations set out in Section 10 of the submitted Ecology Survey Report (undertaken by Just Mammals Consultancy, August 2020), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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