

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
3 OCTOBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 11
APPLICATION NO: 11/1456 – RESIDENTIAL DEVELOPMENT (OUTLINE) (AMENDED PLAN AND DETAILS RECEIVED 20/07/12), LAND ADJACENT TO QUEENSWAY, NANTGARW	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

That Members **REFUSE** the application in accordance the advice given.

3. BACKGROUND

This application was originally reported to a meeting of the Development Control Committee on 7th February 2013 (attached as **APPENDIX A**) with a recommendation that it be approved subject to conditions and the applicant (and any other interested parties) first entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 in order to secure a minimum package of planning obligation contributions comprising:

- (a) Transport Tariff contribution using SPG calculations;
- (b) Leisure/Recreation contribution using SPG calculations;
- (c) Affordable Housing provision across the whole site at a minimum level of 20% (1 unit on the basis of the site being developed for 8 dwellings).

At that meeting Members resolved to defer the application for a site visit to consider highway issues regarding the site (minute 179(2) refers). A site inspection was carried out on 19th February 2013 and the application was reported back to Members on 7th March 2013 (attached as **APPENDIX B**). At the meeting Members resolved to approve the application in accordance with the recommendation of the Service Director Planning in the report at **APPENDIX A** as outlined above (Minute 209(4) refers).

Following that resolution the Council's Legal and Democratic Services Officer was instructed to prepare a draft Section 106 Agreement in accordance with the

package outlined above. This work was underway when the applicant's agent contacted the Council on 1st May 2013 stating that the applicant was in the process of disposing of the land and that the new owner was considering the submission of a planning application for a revised number of dwellings. Consequently, it was unlikely that the Section 106 Agreement would be progressed to completion.

In the intervening period a further application has been submitted by another developer for a reduced number of dwellings on the land. It was resolved to approve that application, reference number 13/0548/10, on 5th September 2013 subject to a Section 106 Agreement. It is understood that the sale of the land is subject to the approval of this planning application and a letter of support from the original applicant and current landowner has been received for the new application.

Given these circumstances there seems to be no foreseeable prospect of the Section 106 Agreement being concluded for the present application, and in view of Members resolution, the application is returned to Committee for further consideration. In conjunction with the main points covered in the report at **APPENDIX A** Members are respectfully asked to consider the following issue.

Policy AW4 of the Rhondda Cynon Taf Local Development Plan states that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities and infrastructure and related works, to make the proposal acceptable in land use planning terms. In the case of the current application, because of the consequences of the development for the strategic highway network serving the site, lack of open space to serve the occupants of the development, and the lack of affordable housing in the locality, it is considered that a planning obligation to mitigate these consequences is necessary to make the proposal acceptable in land use planning terms. In that a Section 106 Agreement has failed to be entered into by the applicant, mitigation for these consequences is not forthcoming; therefore the development is unacceptable and conflicts with Policy AW4.

Taking this position into account it is recommended that planning permission be refused for the following reason:

In the absence of adequate mitigation for the consequences of the proposed development upon:

- the strategic highway network serving the site,
 - the lack of adequate open recreational space to meet the needs of the occupants of the development; and,
 - the lack of affordable housing in the locality,
- that would otherwise make the development acceptable in land use planning terms, the proposal conflicts with Policy AW4 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

APPLICATION NO: 11/1456/13 (BJW)
APPLICANT: Mr Ray Long
DEVELOPMENT: Residential development (outline)(amended plan and details received 20/07/12).
LOCATION: LAND ADJACENT TO QUEENSWAY, NANTGARW
DATE REGISTERED: 20/07/2012
ELECTORAL DIVISION: Ffynon Taf

APPLICATION DETAILS

Outline planning permission is sought for the residential development of land located off Queensway, Nantgarw. The application is submitted in outline with the means of access to be considered within the current application and all other matters of detail:- appearance, landscaping, layout and scale - are reserved for future consideration.

The originally submitted scheme included an indicative layout plan showing 10 detached units. However following concerns raised by the Council's Conservation Officer on the impact of the setting of Dyffryn Ffrwd Manor, a Grade II Listed Building, the layout plan has been altered to 8 detached dwellings. Additionally, the amended layout plan indicates that the area immediately adjacent to the Listed Building would be left clear. Although the layout is reserved for subsequent applications it was considered important that this particular restraint was understood and catered for by the developer when coming up with potential layouts for the site.

The indicative layout illustrates 8 detached dwellings with maximum dimensions of 11m in width by 12m in depth by 9m in height. The dwellings would be served off an access adjacent to the existing highway at Queensway to the north west of the site.

The application is accompanied by a Design and Access Statement that has been modified following the amendment to the indicative layout. Additionally, the following documents are also submitted in support of the proposal:

- Site plan
- Topographical survey
- Drainage and engineering details
- Extended phase 1 habitat survey

SITE APPRAISAL

The application site is approximately 0.8 hectares of land located adjacent to Queensway Nantgarw to the north west and Dyffryn Ffrwd Manor, a Grade II Listed Building, to the east.

The land has been predominately cleared although there are areas of vegetation in various parts of the site. The site slopes steeply to the south towards the A468 where there is an area of broadleaf woodland.

The site is within a predominantly residential area with surrounding properties having a mixture of styles. The immediately adjacent areas of Queensway and Tai Dyffryn are mainly large, modern, detached dwellings set within large plots and constructed from red brick, render and concrete tiles.

PLANNING HISTORY

02/1838	Land off Queensway, Nantgarw, Nr Cardiff.	Residential Development (Outline) 4 - 6 Units.	Refused 05/02/03 Appeal: DIS 13/11/03
02/0661	Plot of land at Tai Duffryn, Nantgarw Cardiff	Four bedroom detached house with attached double garage	Refused 13/06/02
93/0605	Land off Queensway, Nantgarw Nr Cardiff	Residential Development	Refused 26/10/93

PUBLICITY

The application was advertised by neighbour notification letters and site notices. 7 responses were received to the originally submitted scheme from the residents of Tai Duffryn raising the following concerns:

- Nothing has changed since the last planning application when the proposal was refused by the Council.
- The increased number of vehicle movements from the new houses would have an adverse impact on the neighbours and environment due to noise and disturbance.
- There are bats on the site whose environment would be destroyed by any development.
- Loss of privacy and light.
- Nantgarw does not need further development, there are already too many cars on the roads and chaos in the morning when the school bus arrives. It needs returning to countryside.
- My objections are around the suitability and reliability of the developer to commit to the proposals and complete a development in an appropriate manner and timescale.
- As the original developer of Tai Duffryn the developer did not and has not since fulfilled a number of obligations relating to the development. The roads are still yet to be adopted by the Council 16 years later.
- If buildings are to be erected on higher ground then the current privacy from my dwelling would be invaded, and the roof height would be higher than any of the current buildings thus also causing overshadowing.
- The development on higher ground would endanger the stability of the retaining wall and surrounding wall of the listed building Dyffryn Ffwrdd Manor which would affect my property.

- The landscape has already been exposed by the felling of mature trees which has resulted in an increase in traffic noise from the A468. If more clearing is allowed then not only would traffic noise increase further but the road would be exposed.
- The density of ten dwellings would create additional problems to the present road junctions.
- The developer should not be allowed permission for a new development when the existing housing remains unfinished.

An additional letter from “Residents of Tai Duffryn” makes the following comments:

- The number of dwellings is excessive. The topography of the area further reduces the available developable land.
- Due to the uneven nature of the land significant portions of the site have been made up with building rubble and other debris. This land has been successively tipped on and bulldozed into its current shape since the existing dwellings were constructed. The Council should therefore satisfy itself that the land is suitable/safe for building.
- The presence of large amounts of rubble and debris would require major excavations in order to prepare the site for development which would give rise to an unacceptable level of disruption to existing residents.
- There is no other access to the site other than via this roadway, and all site traffic would have to pass through here. The Committee are urged to assess this access route.
- The Developer has a poor track record at this site. As a partner in the organisation that first developed this site in the late 1990's, he was party to the failure to properly make up the aforementioned roadway between houses flanking the undeveloped site access route. This failure has been an ongoing source of dispute between property owners and the land owner (the Developer) ever since, and all efforts to have the road properly surfaced by the land owner have failed. Whilst it may be the case that the Developer was under no legal obligation to finish this roadway (a failure in the original planning obligations, perhaps), he certainly had a moral obligation to do so. This failure demonstrates a degree of contempt for local residents which is less than inspiring at this stage, and which should give rise to concern amongst the Planning Committee. If planning consent is granted on this occasion, then the Committee are strongly urged to ensure that all roadworks are completed before any building takes place, lest they never be completed at all.
- The Developer showed contempt for the area in 2009 by bulldozing the site which was overgrown with plant life and which featured quite a number of mature trees. The Forestry Commission were not consulted, and were less than pleased to find that many trees had been felled without permission. Of course by the time the Forestry Commission were notified, the deed had been done. Some of the greenery that was removed can be seen in photograph 1 on page 11 of the DAS. The Committee's attention is especially drawn to three of the partially felled mature trees, the stumps of which can still be viewed despite overgrowth that has occurred in the last year or so. These were mature trees growing fairly close to the retaining wall in front of Dyffryn Ffrwd Nursing Home. It is presumed that the intention was to remove them completely but fear that their root systems might well give support to the large wall no doubt curtailed this process. The end result

was the wanton destruction of the trees and the privacy that they afforded whilst leaving ragged stumps protruding from the ground. This action was little short of environmental vandalism and served no purpose in terms of the potential development of the site.

- The comments on page 22 of the DAS of October 2011 concerning ecology and biodiversity, are ironic given that the Developer bulldozed the site and all of its natural habitat in October of 2009 and again in October 2010. Misleading would perhaps be a better word than ironic.

Following the amendment of the application to reduce the number of plots to 8 and to create an area free from development immediately adjacent to the listed building three letters were received from residents reiterating the points above (although it was acknowledged that the density had been reduced). Additionally, the letter from the "Residents of Tai Duffryn" has been reiterated in its entirety.

CONSULTATIONS

Transportation Section – offers no objection subject to conditions. Also recommends the contribution of a transport tariff in accordance with adopted Supplementary Planning Guidance (SPG) based on the number of dwellings finally approved at the site. The contribution should be secured through a Section 106 Agreement.

Land Reclamation and Engineering - no objection subject to conditions.

Public Health and Protection Division - no objection, subject to a condition restricting the hours of operation during the construction period of the development. Advice is offered in relation to the minimisation of dust, disposal of waste and the use of artificial lighting at the site. It is suggested that details of a demolition/construction programme should also be provided together with a contact name of a person on the site who will be responsible for dealing with environmental issues to the department.

Dwr Cymru/Welsh Water - no objection subject to conditions.

Western Power Distribution – no objection. Advice is offered with regard to safe working practices within the vicinity of Western Power Distribution's apparatus.

Wales and West Utilities – no response has been received within the consultation period.

South Wales Fire and Rescue Service - no objection. Advice is offered in respect of the provision of adequate water supplies and access for emergency fire fighting appliances for the development.

Housing Strategy – as the proposal is for 8 units and located within the Southern Strategy Area (SSA) then a 20% provision of affordable housing is required. Based on our considerations it is recommended that 2 x 2 bedroom houses be provided for low cost home ownership.

On site provision of these units in such a high demand area would be preferable. However, if this is not possible due to layout and density factors, a commuted sum

equivalent to the value of on site provision would be acceptable. The developer's contribution would equate to 30% of open market value for each affordable unit and should be secured by Section 106 Agreement.

Countryside, Landscape and Ecology – no SEWBREC records of statutory protected species at the site or within the immediate vicinity.

It is noted that the submitted ecological report was undertaken after the site had been cleared of whatever vegetation it previously supported. Given the extensive clearance works it is perhaps not surprising that there appears to be no development constraints within the main red line boundary area. However, the site is bordered by good quality habitat including mature woodland to the south (which is also part of Tree Preservation Order (TPO) No. 1, 1995) and maturing scrub/woodland to the west. The Duffryn Ffrwd TPO (No. 1, 1974) also borders the sites eastern boundary.

Small areas of woodland still occur within the site and these need to be retained and the development should be designed in order to appropriately consider the relationship of the development and the woodland edge. Given the close proximity of the development to the existing retained woodland areas it may be worth exploring whether some long term management and aftercare of the areas within the applicant's ownership can be secured.

In terms of the retained woodland areas these need to be protected from development by conditions that implement tree protection zones in line with BS5837. The applicant should confirm that appropriate tree protection would be provided and supply details. Protection of the TPO areas is important and the applicant should indicate any works to existing trees.

Invasive species that have been identified (Japanese Knotweed, Himalayan Balsam and Rhododendron) should be appropriately controlled and this could form either a condition or part of a mitigation scheme.

The lighting along the woodland edge of the site could have potential species issues and details are required in how this will be treated in the application.

Although cleared at the moment this site could quickly regenerate into bramble and emerging scrub that could support nesting birds. As such, the 5 years of planning permission could see significant re-vegetation of the site and a Wildlife Protection Plan is recommended.

A contribution of £1000 per dwelling would be required for open space provision in accordance with adopted Supplementary Planning Guidance (SPG) and should be secured through a Section 106 Agreement.

Taffs Well Community Council – concerned that the proposed development is in very close proximity to a Grade II listed building and could adversely affect this facility. The area has a number of mature trees that form a "sound barrier" to properties in the near vicinity of the site, some of which are the subject of Tree Preservation Orders. The Community Council would object to any request to remove these trees.

There have been considerable problems with drainage and sewerage connections to the houses at the only entrance to the site and the Community Council is concerned that the development might exasperate these problems.

Glamorgan Gwent Archaeological Trust – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan.

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

Policy AW1 defines the housing land supply. Section 3 specifies that supply will be met partly by unallocated land in smaller settlements.

Policy AW2 – requires new development to be in a sustainable location.

Policy AW4 seeks the provision of infrastructure through planning obligations.

Policy AW5 – specifies criteria for new development. It requires new development to have an acceptable impact on the character and appearance of the site and surrounding area and no significant impact on the amenities of neighbouring occupiers. It also requires development to be of sustainable design with good accessibility.

Policy AW6 – outlines types of development criteria that will be supported, including the following:

- A high standard of design;
- Design appropriate to the local context;
- An integrated mixture of uses appropriate to the scale of the development; and
- An efficient use of land.

Policy AW7 states that development that impact on sites of architectural and/or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy AW8 states that the distinctive natural heritage of the area will be preserved and enhanced by protecting it from inappropriate development. In such cases, development proposals will only be permitted where it would not cause harm to important features or habitats.

Policy AW10 states that development will not be permitted where there would be a risk of air pollution.

Policy SSA11 seeks a minimum density of 35 dwellings per hectare (dph) and gives criteria for accepting lower densities.

Policy SSA12 seeks a minimum of 20% affordable housing on sites of 5 dwellings or more.

Policy SSA 13 gives criteria for housing development within settlement boundaries.

National Guidance

Planning Policy Wales

Paragraph 3.1.2 states that applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Assembly Government and the UK Government. All applications should be considered in relation to up to date policies.

Paragraph 3.4.3 states that when a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility. The preparation of access audits may be useful in any assessment of accessibility.

Paragraph 4.10.2 states that good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

Paragraph 4.10.9 states that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

Paragraph 8.4.2 states that car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

Paragraph 9.3.3 states that insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

Paragraph 9.3.4 states that in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity.

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are the suitability of the site for residential development in terms of its status within the Local Development Plan, the impact on the neighbouring properties, including the adjacent listed building, the effect on the visual amenity of the area and the effect on highway safety.

With regard to the suitability site for the residential development, the site is within the settlement boundary where development is considered to be acceptable in principle subject to compliance with other policies within the Local Development Plan.

In terms of this proposal it is considered that the site is of adequate and suitable dimensions to accommodate a development of the size and scale that is proposed. Additionally, the use of the site for a residential development would be suitable and appropriate to the prevailing uses in the area that are also almost exclusively residential.

Furthermore, the site is within the settlement boundary, has been the subject of tipping and subsequent clearance works and could be viewed as being untidy and unsightly. The development of the site for housing development would meet some of the requirement for housing land supply within the area and could be a visual improvement on the existing appearance of the area.

In terms of the compliance with other policies the development of 8 dwellings at the site would equate to a density well below the preferred figure of 35dph. It was originally considered that 10 dwellings at the site at 14 dph was the minimum number of dwellings that the site should be developed for. This was on the basis that the site was an edge of settlement development, adjoining protected trees, adjoining a listed building and its grounds and adjacent to similarly low-density existing housing.

However, the setting of the Duffryn Ffrwd Manor House, a listed building is considered to be a significant constraint to the developable area with the result that it is not considered to be acceptable to develop the area immediately adjacent to the building. Consequently, two plots in this location have been deleted from the scheme and leave this area as open space. Therefore, while there are less units within the application site the density of the developed area remains constant with the minimum level and is considered to be justifiable for the reason discussed above.

In respect of the impact on neighbouring properties the application is in outline with only the means of access being considered at this stage. In this regard it is clear from an examination of the site and its surroundings that the only possible access to the site would be via Queensway. This is the route proposed by the application and such an arrangement would increase the use of the existing highway network dependant on the final numbers allowed at the site. The assessment of the effect on highway safety matters are considered fully later within this report however, the impact that the additional vehicular movements would have is considered to be relevant at this stage. In this regard it is considered that, as the only viable route to

this site, the access would only directly affect the six dwellings that the route would pass. Of these properties only one has objected to the access arrangements as these would pass the pine end of their property (1 Tai Duffryn). Of the other properties, which are more indirectly affected, it is the properties within Tai Duffryn, not on the access route, that have raised an objection to the proposed access. It is considered that while the proposal would intensify the use of the existing access to Queensway and Tai Duffryn the increase would not be so significant as to be unduly harmful to the levels of amenity of existing residential properties.

In terms of the actual layout of the site, this is a matter reserved for future consideration by virtue of a reserved matters application or full planning application. While the area in front of Duffryn Ffrwd Manor has been identified as an area where development should not be carried out in order to preserve the setting of the listed building, the layout of dwellings is not under consideration as part of this planning application. However, the indicative layout submitted with the planning application does demonstrate that the site is capable of being developed for 8 dwellings. Additionally, it is considered that the submitted layout would include adequate privacy distances and that the relationship to existing properties would not harm existing levels of amenity through loss of privacy or overbearing impact. Therefore, based on the indicative scheme and having regard to the above, the proposal is considered to be acceptable in this respect. It should be noted that the Local Authority will retain control over the layout and impact on neighbouring properties by virtue of subsequent detailed planning applications dealing with these matters.

With regard to the effect on the visual amenity of the area the access to the proposal is considered to integrate successfully within the existing pattern of development representing, as it does, the most logical and legible access route to the site. It is considered that the indicative layout demonstrates that the site could be developed in a pattern that would be appropriate to its setting. Consequently, the proposed development is considered to be acceptable in the regard.

With regard to the effect on highway safety the Transportation Section the access is the one matter of detail that is to be considered at this stage. It is considered that the point of access is probably the most logical and legible area to access the site and as such it is considered acceptable. However, the technical specification of the access, parking and servicing requirement need careful consideration and therefore the comments of the Transportation Section are key in this respect.

The Transportation Section has raised no objection to the application, subject to conditions. The conditions require full and comprehensive details for; the access leading to the site from Queensway including details of street lighting and surface water drainage; carriageway widths; design details of all internal roads including street lighting and surface water drainage; off street parking; surface water drainage and a Construction Method Statement.

In terms of the amended layout plan and details the Transportation Section have made the following comments:

The amended layout plan, Drawing No. T12.125.102 Rev. A, includes the short section of sub-standard highway to be utilised as an access road leading to the

proposed development site for 8 detached dwellings which is acceptable in terms of carrying out the necessary highway improvements to adoptable standards. This is to comprise of a 5.5m wide carriageway and 2m wide footways either side which is acceptable.

The utilities easement strip within the site boundary adjacent to the side of No.8 Tai Dyffryn is shown as being 6m wide which is acceptable.

The internal road layout consists of a short section of 5.5m wide carriageway that leads to a square area with a 1m wide footway to the side of the housing. The footway is not in accordance with the requirements of Manual for Streets where the minimum unobstructed width for pedestrians should generally be 2m. Therefore, a 2m wide footway should be provided and a condition is suggested accordingly.

The square area/turning facility shown is adequate to cater for large vehicles such as delivery, emergency and service vehicles and therefore is acceptable.

The Transportation Section has also identified that the proposal would require a contribution of Transport Tariff consistent with Supplementary Planning Guidance. The exact figure would be dependant on the number of dwellings and bedrooms eventually allowed on the site.

Consequently, it is considered that the effect of the proposal on highway safety is acceptable subject to the suggested conditions and the application of the Transport Tariff to fund highway infrastructure improvements in the area.

The points made by neighbouring properties are acknowledged and the following comments are offered:

- There has been a fundamental change since the previous applications at this site. The site is now within the settlement boundary where development is considered to be acceptable subject to compliance with other policies within the plan.
- Both the SEWBREC records and the extended habitat survey indicate that there are no statutory protected species (bats are mentioned by objectors) affected by the development.
- The layout of the development is reserved for future consideration. However, it is considered that the indicative layout demonstrates that a development could be implemented that would not have a detrimental impact on the amenity of neighbouring properties.
- The area is within the settlement boundary and is therefore considered suitable for development, subject to other policies in the development plan.
- The past performance of the developer as demonstrated in previous developments is not considered relevant to the current application. The Council could not refuse planning consent on the basis of the applicant's past performance in developing sites as planning permission runs with the land not the developer.
- Any stability issues can be covered by a condition requiring ground investigations and details to be submitted to and approved by the Council.
- The application does not propose further felling of trees at the site. The southern and eastern boundaries are outside the site and are covered by Tree

Preservation Orders and therefore there should be no increase in noise levels from traffic on the A468.

- The existing road infrastructure and junctions have been examined and are considered to be adequate to accommodate the anticipated traffic the development would generate.

Finally, in terms of other contributions eligible for a development of this nature, apart from the Transport Tariff, which has been dealt with above, the development would require contributions for open space provision and affordable housing. The level of contributions have been discussed with the developer who is willing to accept the requirements as part of a Section 106 legal agreement.

In conclusion the principle of the proposed development and the access thereto is considered to be acceptable. While the other details are reserved for future consideration it is considered that the indicative layout plan does demonstrate that the site can be developed in a manner that would not be detrimental to neighbouring properties or the adjacent listed building and, through the imposition of appropriate conditions, would have acceptable levels of car parking. Consequently, subject to conditions and the heads of terms specified by statutory consultees and accepted by the developer, the application is considered to be acceptable and is therefore recommended for approval.

Approve, subject to conditions and the applicant entering into a Section 106 agreement the Heads of Terms of which are set out below:

Heads of Terms

Transport Tariff

That the applicant enters into an agreement to make a transport tariff contribution towards improving the strategic highway network at a rate of:

- Residential 1/2 bedrooms £2,256 / unit x 100% Level 1 tariff
- Residential 3/4/5 + bedrooms £3,008 / unit x 100% Level 1 tariff

With regard to the timing of payment, 25% would be payable upon commencement of development, 50% upon the completion of 50% of the development and the remaining 25% upon the completion of 75% of the development.

Upon receipt of the first payment of the transport tariff, a 5% modelling fee will be deducted and will be used to facilitate and prioritise the expenditure of the tariff. Should the secured transport tariff remain unspent within 10 years of the date of the last payment, the tariff will be repaid (plus interest) minus the original 5% modelling fee. The level of the transport tariff will be reviewed annually on 1st April in line with the Road Construction Price Index.

Open space provision

That the applicant enters into an agreement to make an open space contribution towards improving open space recreational facilities at a rate of:

£1000 per dwelling

Affordable Housing

That the applicant enters into an agreement to make an affordable housing contribution towards the provision of affordable housing units at a rate of:

20% of housing to be affordable units. Therefore, an off-site contribution equivalent to 30% of open market value for each affordable unit.

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on 20/07/12.

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

3. Before the submission of the application for the approval of reserved matters, a detailed site investigations report 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five 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 the Local Planning Authority gives written consent to any variation.

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.

7. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure the environmental amenity of the site and prevent the spread of a restricted plant in accordance with Policy AW8 of the Rhondda

Cynon Taf Local Development Plan.

10. 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.

11. 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 the construction of 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.

12. No development shall be commenced until details of measures for protecting the proposed dwellings from road noise from the A468 have been submitted to and been approved in writing by the Local Planning Authority. The required works shall be completed before the occupation of any of the approved dwellings.

Reason: In order to ensure that the development is protected from any excessive levels of noise from surrounding roads in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

14. 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.

15. The access leading to the site via Queensway shall be completed in

permanent materials to the northern boundary of the proposed development site in accordance with full engineering design and details including street lighting and surface-water drainage details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Notwithstanding the submitted layout plan, the proposed access shall incorporate a 5.5m wide carriageway, a 2m wide footway and a 1m wide hard margin strip in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation of any dwellings.

Reason: To ensure that safe and adequate access by all pedestrians and vehicles and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. Notwithstanding the submitted details, development shall not commence until full engineering design and details of the internal road layout including sections; street lighting and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. Off-street parking shall be in compliance with Rhondda Cynon Taf's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

19. Surface water run-off from the proposed parking areas shall not discharge onto the public highway.

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

20. 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) wheel cleansing facilities,
- f) 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.

21. 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 (5th Edition) November 2012.

22. 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 (5th Edition) November 2012.

23. 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 (5th Edition) November 2012.



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**MUNICIPAL YEAR 2012-2013****DEVELOPMENT CONTROL
COMMITTEE****7 MARCH 2013****REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES****Agenda Item No.11**

**SITE MEETING
APPLICATION NO. 11/1456 –
RESIDENTIAL DEVELOPMENT
(OUTLINE) (AMENDED PLAN AND
DETAILS RECEIVED 20/07/12) – LAND
ADJACENT TO QUEENSWAY,
NANTGARW**

Author: Mrs.Z.D.Maisey, Principal Officer, Committee Services**1. PURPOSE OF THE REPORT**

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning attached as Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the applicant entering into a Section 106 Agreement on the terms outlined in Appendix 1.

3. BACKGROUND

- 3.1 In accordance with Minute No.179(2) (Development Control Committee, 7 February 2013) a site inspection was undertaken on Tuesday, 19 February 2013, to consider highways issues concerning the proposed development.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B.McDonald and M.J.Watts respectively) and County Borough Councillor E.Webster in consultation with the Local Member for Taffs Well (County Borough Councillor J.Bonetto).

- 3.3 The application site was inspected and the Development Control Officer reported that outline planning permission was being sought for residential development including access to the site. All other matters of detail, i.e. appearance, landscaping, layout and scale was reserved for future consideration.
- 3.4 The indicative layout plans showed eight detached dwellings to be served off an access adjacent to the existing highway at Queensway and the area immediately adjacent to Dyffryn Ffrwd Manor would be left clear. Retained woodland area would need to be protected from development by conditions that implement tree protection zones and the applicant should confirm that appropriate tree protection would be provided and supply details.
- 3.5 The Transportation Officer confirmed there was no objection to the proposed development subject to conditions. The conditions required full and comprehensive details regarding access from Queensway, carriageway widths, design details of all internal roads including street lighting and surface water drainage, off street parking and a Construction Method Statement.
- 3.6 The Local Member enquired whether a condition would be imposed to ensure that noise emanating from the A468 was lessened and in response, the Development Control Officer stated that proposed Condition No.12 would ensure that no development could commence until details of measures for protecting the proposed dwellings from road noise from the A468 had been submitted and approved. The required works would be completed before the occupation of any of the approved dwellings.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

3 OCTOBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 11/1456 –
RESIDENTIAL DEVELOPMENT
(OUTLINE) (AMENDED PLAN AND
DETAILS RECEIVED 20/07/12),
LAND ADJACENT TO
QUEENSWAY, NANTGARW**

OFFICER TO CONTACT

**MR B WORTHINGTON
(Tel. No. 01443 494762)**

See Relevant Application File

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