

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
5 DECEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
APPLICATIONS RECOMMENDED FOR APPROVAL	

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. 13/0093 - Retention of dwelling as constructed, amendment to planning permission ref. 09/0615/10 dated 29/10/2009, Min Y Mynydd, Tyntyla Park, Tonypany.
2. Application No. 13/0241 - Extension to the Ystrad Barwig Waste Transfer Station to facilitate a revised alignment of the access road and mitigation landscaping, provision of perimeter bunding, revised position of the site office and drainage works (partly retrospective), Ystrad Barwig Farm, Llantwit Fardre, Pontypridd.
3. Application No. 13/0360 - Change of use from use class C3 (dwelling house) to class C2 (residential care facility) of the existing Ty Brynteg property and the refurbishment and extension of an existing out building for C2 use (Additional Information Received 2 September 2013 about proposed use of premises), Ty Brynteg, St Luke's Road, Porth.
4. Application No. 13/0443 - Residential development of two new dwellings (semi detached pair) (Amended plans received 9/10/13 and 22/08/2013), Land Off Howard Street, Clydach Vale, Tonypany.
5. Application No. 13/0447 - Residential development to create 23 No. houses (Amended Plans Received 08.07.13), Former Williamstown Primary School, Arthur Street, Williamstown, Tonypany.

6. Application No 13/0633 - 7 No. two bedroom self contained apartments together with external works, Former Police Station Between 9 And 13 Cardiff Road, Taffs Well, Cardiff.
7. Application No. 13/0678 - Construction of 1 (one) residential dwelling with garage, 1 Parc-Y-Nant, Nantgarw, Taffs Well, Cardiff.
8. Application No. 13/0772 - Change of use from private members club to public house A3 use, Treherbert Community Club, Ty Draw, 55 Wyndham Street, Treherbert.
9. Application No. 13/0782 - Construction of 1 no. detached split level residential dwelling, Plot 3, The Former St John The Baptist Church, Clarence Street, Miskin, Mountain Ash.
10. Application No. 13/0827 - Erection of a 2.5 metre high fence, Am Nawr, 4 Rhigos Road, Hirwaun, Aberdare.
11. Application No. 13/0867 - Lawful Development Certificate for an existing use providing a total of 5 bedrooms of emergency accommodation for vulnerable young people, YMCA, Duffryn Road, Mountain Ash.
12. Application No. 13/0953 - Variation of condition 2 (planning approval 06/1844) to provide revised car parking layout, Specialist Cars, Enterprise House, Canal Road, Cwmbach, Aberdare.
13. Application No. 13/0966 - Proposed two storey extension to rear of property, in addition to internal remodelling at ground and first floor level. Proposed construction of first floor habitable bedroom above existing ground floor garage, 11 St Annes Court, Talygarn, Pontyclun.
14. Application No. 13/0970 - Retaining garden walls and steps (Retrospective), 66 Pinecroft Avenue, Cwmbach, Aberdare.
15. Application No. 13/1015 - Formation of three residential apartments from redundant office space at ground floor, U S M Ltd, 1-2 Cwrt Brenin, Mill Street, Pontypridd.
16. Application No. 13/1023 - 5 fascia signs (corrugated steel background with illuminated clips) 1 free standing double sided totem, Sandpiper A T, Enterprise House, Cwmbach Industrial Estate, Cwmbach, Aberdare.
17. Application No. 13/1037 - A non-penetrating communications antenna and support frame at the western end of the crematorium building. A single data cable installed within tiling and/ or flashing across the roof to the northern face of the building. A wall mounted equipment cabinet installed within the building, Llwydcoed Crematorium, Crematorium Road, Llwydcoed, Aberdare.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 13/0093/10 (GW)
APPLICANT: Mr & Mrs J Wheeler
DEVELOPMENT: Retention of dwelling as constructed, amendment to planning permission ref. 09/0615/10 dated 29/10/2009.
LOCATION: MIN Y MYNYDD, TYNTYLA PARK, TONYPANDY, CF40 2SW
DATE REGISTERED: 25/07/2013
ELECTORAL DIVISION: Ystrad

RECOMMENDATION: Grant

REASONS:

The development is an amendment to a previously approved dwelling. The changes would not have a significant detrimental impact on the amenity of adjoining residents or on the character and appearance of the area.

APPLICATION DETAILS

This application seeks to retain a dwelling that has not been constructed in accordance with a previous permission (Ref 09/0615). The permitted dwelling would have measured 12m in width, 10.2m in depth and have a height of 10.7m. The dwelling as constructed measures 13m in width, 10.5m in depth and has a height of 11.1m. This has also resulted in the dwelling being located approximately 1.5m closer to the adjacent new build property and its side elevation is now along the common boundary. A window serving a utility room is located at ground floor level on the side elevation facing the neighbouring dwelling. However the rest of the development is mainly the same as previously permitted. The steps to the front door have been reconfigured and this has resulted in a larger internal area under the front patio. The front elevation has been altered slightly with a few design changes such as a gable to the porch and the window design has been altered.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

This application relates to an existing dwelling on Tyntyla Park adjacent to no 1 Tyntyla Park. Another new dwelling, adjacent to the site, has been recently

constructed to the rear of dwellings in Eisteddfa Road. To the north is open countryside of the Llwynypia hillside. The dwellings on Tyntyla Park are mainly modern detached dwellings. The dwellings on Eisteddfa Road are traditional terraced dwellings.

The site slopes from east to west but significant engineering works have been undertaken to accommodate the dwelling and produce a terraced garden at the rear. Retaining structures have been constructed; however the resulting levels are similar to those approved previously on the site (09/0615). A wooden boarded fence has been erected enclosing the garden area.

PLANNING HISTORY (Most recent and relevant to the current application)

09/0615	Plot 1 Residential Development at Tyntyla Park, Llwynypia.	Erection of a detached house. (Amended plans received 07/09/09)	Granted 29/10/09
08/1178	Land rear of Eisteddfa Road, Tyntyla Park, Llwynypia.	Construction of two detached dwellings.	Granted 27/10/08
06/2041	Land to the rear of Eisteddfa Road, Tyntyla Park, Llwynypia, Tonypany	Proposed construction of three detached dwellings. (Outline)	Refused 09/01/07 Appeal: Dismissed 29/10/07

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One objection letter has been received and the objections relevant to the consideration of the application are summarised below:

- The dwelling as constructed is closer to mine and has resulted in a loss of light.
- The window on the side boundary should be blocked up.
- Parts of the dwelling are over the common boundary and no access will be given for maintenance.

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to drainage conditions.

Land Reclamation and Engineering – no objection subject to conditions requiring drainage conditions and a Hydrological Impact Assessment.

Public Health and Protection – no objections.

Structural Engineer - Structural appraisal of retaining walls is acceptable.

Transportation Section – no objection subject to conditions requiring the drainage works to driveways and vehicular crossing to be completed.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and is identified as part of a Site of Importance for Nature Conservation (SINC).

Policy CS1 - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 – supports new housing inside the settlement boundaries and allocated sites.

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.

Policy AW8 - sets out 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.

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport) and Chapter 9 (Housing) set 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 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 22: Sustainable Buildings;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

Members will be aware that previously planning permission (09/0615) was granted for a dwelling on the site and the principle of the proposed development has therefore been established. This has however not been constructed in accordance with the planning permission and as such, the main issue in the consideration of this application are the differences between the two.

Impact on residential amenity and privacy

In terms of the impact on residential amenity, the main change is the closeness to the adjacent dwelling. A letter of objection has been submitted from the immediate neighbour with regard to the impact on sun light and the window on the side elevation which is on the boundary.

In considering the sunlight issues, the affected dwelling is located to the north-west of the application dwelling and therefore the alterations may result in a greater impact on sunlight, particularly in the early mornings. However for the majority of the day, there would be little or no impact.

There may also be an increase in overbearing impact due to the increased height of the dwelling (by 400mm) and the side elevation being closer to the neighbouring dwelling (by approximately 1.5m). Although it is recognised the dwelling as constructed, would have a greater impact than the previous permission, it is considered the additional impact would however not be significant enough to warrant a refusal reason on this issue.

Turning to the utility room window issue, this is now located on the communal boundary between the two plots. Members should be aware the details supplied in the application highlight there is some dispute on the position of the communal

boundary. This issue is however a matter between the two landowners and would not be an issue that would affect the determination of the application. The objector has placed a wooden boarded fence in front of the window and has stated they would like the window to be blocked up, to enable that part of the fence to be removed. In considering this, the window only serves a utility room. It is therefore suggested the issue could be overcome by requiring the window to be obscurely glazed and non-opening. A suitably worded condition could require this is carried out if permission were to be granted.

Impact on the character and appearance of the area

With regards the impact on the character and appearance of the area, the proposal is not significantly different in design terms to that approved. The increase in size is not significant and does not have a detrimental visual impact on the street scene. Therefore, in terms of the impact on the character and appearance of the area, the constructed dwelling is considered to be acceptable.

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:

Drainage

No objection has been raised from Dwr Cymru/Welsh Water or from the Council's Land Reclamation and Engineering subject to conditions highlighted above. It is noted the drainage conditions for the previous permission were discharged and the dwelling as constructed has been lived in for a number of years and the drainage details submitted with the current application have not changed. Therefore it is considered no further details would be required. The Council's Land Reclamation and Engineering section have detailed Ordinary Watercourse Consent could be required for the connection to the watercourse. This can be highlighted in an informative note if permission were to be granted.

Finally, the Transportations Section has requested drainage works to the driveways, to prevent water draining on the highway and potentially freezing and resulting in a highway safety issue. Members are advised this was not requested as part of the previous application (09/0615) and it is considered it would therefore be unreasonable to request these details as part of this application. Notwithstanding this an informative note could be added to advise the developer of the issue.

Ecology

The site is identified as being within a Site of Importance for Nature Conservation (SINC). Notwithstanding this the current application does not encroach further into the SINC than the previous permission. Therefore it is considered this issue has been previously dealt with and is acceptable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, the amenities of nearby residential properties and visual impact, (Policies AW2, AW5, AW6 and AW10).

RECOMMENDATION: Grant

1. Within 2 months of the date of this permission the utility window in the ground floor north-west side elevation shall be designed to be non-opening and glazed with obscured glass in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. The window shall be retained as such thereafter, unless otherwise agreed in writing by 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.

2. 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 (other than any hereby permitted) shall be installed on the side elevations of the dwelling hereby permitted unless otherwise agreed in writing by 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.

3. Within 2 months of the date of permission, a vehicular footway crossing shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

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APPLICATION NO:	13/0241/10 (DB)
APPLICANT:	Mr & Mrs Fletcher
DEVELOPMENT:	Extension to the Ystrad Barwig Waste Transfer Station to facilitate a revised alignment of the access road and mitigation landscaping, provision of perimeter bunding, revised position of the site office and drainage works (partly retrospective)
LOCATION:	YSTRAD BARWIG FARM, LLANTWIT FARDRE, PONTYPRIDD, CF38 1BL
DATE REGISTERED:	17/04/2013
ELECTORAL DIVISION:	Llantwit Fardre

RECOMMENDATION: Approve

REASONS:

The principle of the development has been previously established through the grant of planning permission on 15.07.10 (09/0102).

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on the visual amenities of the area, highway safety, the amenities of nearby residential properties, surface water drainage, ecology and public health matters.

APPLICATION DETAILS

An application for a waste transfer station at the site was previously considered at Committee on 8 July 2010, when Members resolved to approve the application (09/0102).

Following the issuing of the decision on 15 July 2010, the applicant commenced the submission of details in order to discharge the conditions attached to the permission. During this process the applicant has received confirmation through further site investigations that the access road which had been constructed, together with the siting of the waste transfer site did not tie up exactly with the previously approved plans. Based on these findings and the need to provide a physical bunded barrier between the site and the Nant Myddlyn, the applicant is now proposing to revise the approved site, layout, access route and the location of the associated landscaping provision. This will also involve changes to the drainage works and changes to the location and dimension of the site offices. However, it has been confirmed that no amendments to the throughput, outputs, number of structures, traffic numbers or processes on site are proposed.

The application is supported by the following documentation: -

- A Design and Access Statement dated 23.02.2013.
- Revised Plans Ref No's 932 -01G, 02C, 04C, 05B, 06A, 09C, 12B, 13H, 15A, 16B, 18A, 19E, 20A, 21A, 22,23.
- Geo - Environmental Report dated May 2013 by Terra Firma Wales.
- Revised landscaping drawings 428/01 & 488/02.

The proposed development would retain and improve the facilities of the waste transfer station, which has been present on the site since 1998, through temporary consents. The works would involve a small extension to the size of the waste transfer site, re-siting and amending the perimeter bund adjacent to the Nant Myddlyn, utilising a new access which has been provided in conjunction with the

Church Village Bypass, revised locations for the landscape mitigation measures, revised position for the perimeter fencing and the site offices.

The proposed access would upgrade the access which has been constructed to the site as part of the Church Village Bypass works. The access has a tarmac surface for the first 15m from Heol Creigiau, 9m radius kerbing, vision splays of 2.4m x 120m and a width of 6m for the first 25m from Heol Creigiau. As part of this application, it is proposed that the remainder of the access road would be provided with a width of 5.3m and finished in scalplings, and a number of passing bays would be provided along the entire access road, which widens the access road to 6.1m and 7.3m where the passing bays occur at bends in the road.

The number of skips, would remain the same, and the same parking area for employees and visitors is proposed to be provided.

The landscape mitigation measures involve the planting of belts of native shrub and tree woodland along the northern and eastern boundaries and adjacent to the access road to ensure that the impact within the surrounding area would be slight or of no detrimental impact.

The proposed recycling building also would be unaltered. It is remote from built development and the use of the new access track would reduce the former nuisance, which was experienced by nearby residents as a result of the traffic using the former access to the public highway. The design and use of materials of the recycling building reflect its setting in an agricultural environment.

The site offices would be reduced in size to measure 6m x 2.4m x 2.7m high and constructed of metal facing material coloured dark green.

The proposed hours of operation would remain at 07:00 – 18:00 hours Monday to Friday, and 07:00 – 13:00 hours on Saturdays.

The applicants agent states that the proposal would help to secure recycling targets and the viability of the existing farm enterprise.

Details of the Revised Scheme include the following minor amendments to the previously approved scheme:-

- Revised alignment of the private access road, and passing bays.
- Revised location of the mitigation landscaping,
- Provision of perimeter bunding up to 1 metre high adjacent to the Nant Myddlyn with a post and wire fence,
- Revised position and dimension of the site office, revisions to the drainage works and perimeter fencing.

SITE APPRAISAL

The additional areas of land required for this present application amount to 0.4 hectares, compared to the original overall site area of approximately 1.1 hectares. All the land relates to land forming part of Ystrad Barwig Farm, Llantwit Fardre, Pontypridd. The site lies 300m south of the main farm complex and adjacent to the Nant Myddlyn which forms the western boundary of the farm at this point.

The site comprises largely of land which has been subject to the previous permission for a waste transfer station (09/0102) and a number of previous planning permissions for a temporary skip sorting and recycling facility, (97/2775, 03/0386 and 05/1863). It also lies adjacent to a larger area which operated as a landfill site, the latest permission (Ref 03/0348) having expired in June 2009. The landfill site is now subject to restoration and aftercare provisions.

The site is vacant at present but formally comprised of a skip sorting and recycling facility, which previously was fenced and gated and which contained a site office, areas for vehicle manoeuvring, parking and operational areas within which skip waste was recycled. As the site is now vacant these facilities have been removed. The site also contains a temporary stockpile of limestone fines materials of up to 4-5m high to the north of the former recycling facility and an area measuring a maximum area of 35m x 85m which is in existing agricultural use to the south. A 20m strip to the east of the existing recycling facility is also included in the site, which forms part of the previous landfill site, subject to restoration works.

The site of the waste transfer station is not of a uniform gradient, but generally slopes gradually from the eastern boundary falling towards the Nant Myddlyn lying between levels of approximately 70m A.O.D. along the eastern boundary and 66.5m A.O.D. at the western boundary.

The previous access to the site was gained from Ystrad Barwig Farm access road, from Ystrad Barwig Lane. This access was severed by the Church Village Bypass and a new agricultural access has been constructed from Heol Creigiau to serve this part of Ystrad Barwig Farm. This access would be used for the proposed waste transfer station and runs alongside the newly constructed open channel of the Nant Dowlais and also adjacent to the Bypass. The access has been constructed as a public highway up to the cattle grid, thereafter it is a private road. The private road has been constructed by the applicant and is of variable width.

All of the site is located outside the settlement boundary and is in the countryside. The route of the adjoining watercourses - the Nant Myddlyn and the Nant Dowlais is a Site of Importance for Nature Conservation SINCS. Public Right of Way No 57 runs approximately 100m distance parallel to the site, across the former landfill site.

Since the previous permission, the site has been cleared as the previous occupant has vacated the site, part of the proposed access has been built and works have

commenced to construct the perimeter bunding adjacent to the Nant Myddlyn, in preparation for the ground works.

PLANNING HISTORY

Planning applications submitted within the last 10 years include:-

12/0925	Land at Ystrad Barwig Farm, Llantwit Fardre, Pontypridd	Prior notification of agricultural development (drainage improvement works necessary to improve agricultural quality of the land).	Permission Required 15/10/12
12/0814	Ystrad Barwig Farm, Llantwit Fardre, Pontypridd	Provision of internal private hard-surface (compacted stone and stone-dust) farm tracks.	Conditions 17/01/13
12/0202	Ystrad Barwig Farm, Llantwit Fardre, Pontypridd	Provision of internal farm access roads	Refused 23/04/12
12/0061	Ystrad Barwig Farm, Llantwit Fardre, Pontypridd	Provision of private agricultural access roads for the movement of farm livestock and vehicles/machinery within the farm.	Permission Required 13/02/12
10/0138	Ystrad Barwig Isaf Farm, Llantwit Fardre, Pontypridd	Use of land as borrow pit to supply suitable fill material to construct the adjacent Church Village By-Pass (ref 08/1362/08) and to reinstate land to agricultural use.	Conditions 25/06/10
09/1030	Ystrad Barwig Farm, Crown Hill, Llantwit Fardre, Pontypridd	Re-grade agricultural land in enclosure 4985 using inert materials as fill.	Conditions 15/06/10
09/0102	Ystrad Barwig Farm, Crown Hill, Llantwit Fardre, Pontypridd	Retention of existing Waste Transfer Station to include hard standings, covered processing area, parking and welfare facilities and storage areas together with access on to highway network amended as part of the Church Village By-Pass.	Conditions 15/07/10
08/1362	Cross Inn, Gwaun Meisgyn, Llantwit	To construct the Church Village Bypass. (Additional details and	Granted 09/01/09

	Fardre, Church Village, Tonteg	amendments to the proposal as a result of feedback from consultation exercises, received 04/11/08)	
05/1863	Ystrad Barwig Farm, Llantwit Fardre, Pontypridd	Variation of Conditions 22 and 13 to planning permission granted on appeal under reference 1140167 dated 10 June, 2004, for a skip sorting and recycling facility to allow the use to continue independently of the tipping/land filling operation allowed under appeal reference 1139397 of same date.	Granted 14/04/06
03/0348	Ystrad Barwig Farm, Llantwit Fardre, Pontypridd.	Proposed Variation to Condition 4 Planning Permission T/93/0422/10 to extend the period for completion of Land fill & Restoration to agriculture & grazing by 5 years	Refused 21/11/03 Appeal: Allowed 10/06/04

PUBLICITY

Press notice, site notices and neighbour notification. One response has been received as a result of this publicity. This raises a query as to whether there would be any HGV access or any physical changes to Ystrad Barwig Lane as a result of the proposed development.

CONSULTATION

Countryside Section – no SEWBRc Records of Statutory Protected Species from immediate vicinity. However, the Ecological Work for the Church Village Bypass did find otters in the streams which run through the site. Therefore there is a need to understand the impacts of this extension on the stream and, its wooded corridor and an appropriate bat informative note may be needed on any permission. The Public Rights of Way Officer advises that a designated footpath should be provided along that part of the proposed access which is adopted highway, in order to adequately separate vehicular and pedestrian traffic and provide a suitable link to the diverted Public Right of Way – 57.

Land Reclamation and Engineering – raises no objections to the proposed development and recommends conditions re drainage matters. Advises that the site is located within Flood Zone C2 or is identified as being within an area susceptible to surface water flooding, therefore recommends consultation with NRW.

NRW – raises no objections. Advises that any new development should be provided between 66.5 to 69m AOD to be above the 1 in 1000 year fluvial flood level. Provides advice to the applicant re pollution prevention guidance, and the possible need for consent under the Water Resources Act 1991. Recommends that advice is obtained from the Authority's Ecological Advisor with regard to conserving biodiversity.

Transportation Section – raises no objections subject to the imposition of conditions to secure the timescale and provision of the passing bays and footpath provision.

Public Health and Protection Division – raises no objections to the proposed development subject to the imposition of conditions to deal with the potentially contaminating past land uses of the former Ystrad Barwig Landfill site. Subsequent to this response the Division has advised that the submitted Geo-Environmental Report dated May 2013 adequately covers this issue.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located in the countryside, and beyond the settlement boundaries of nearby Llantwit Fardre and Efail Isaf, and adjacent to SINC's AW8.148 Nant Myddlyn/Afon Clun and AW8.146 Efail Isaf South, as defined in the Local Development Plan.

Policy CS2 – Sets out criteria to achieve sustainable growth in the southern strategy area, including protecting the natural environment.

Policy CS9 – Advises that existing and allocated B2 employment sites are considered appropriate locations for waste management facilities.

Policy AW2 – Only supports development proposals in sustainable locations which are defined as sites that inter alia would not unacceptable conflict with surrounding uses; have good accessibility by a range of sustainable transport options; have good access to key services and facilities; are not within the zone C floodplain unless it can be justified on the grounds that the potential consequences of flooding have been considered and found to be acceptable and meet the definition of previously developed land; and are well related to existing services.

Policy AW5 – Development proposals will be supported where amenity and accessibility issues are appropriately addressed.

Policy AW8 – Natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 – Development proposals will not be permitted where they would cause or result in an unacceptable risk of harm to health and/or local amenity.

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), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services), Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set 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 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 21: Waste;

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 principle of the development has been previously established through the grant of planning permission on 15.07.10 (09/0102), which remains extant. This previous planning history of the site is a material consideration of weight in this instance. In addition, the Draft LDP Policies and national planning policy in relation to the provision of waste facilities which were applicable at the time of the consideration of the previous application, remain unaltered.

Planning Policy Wales states that local planning authorities are required to make provision for an integrated and adequate network of waste disposal facilities. Strategic Planning Guidance for South East Wales favours the development of sites for waste management facilities subject to criteria. TAN 21 – Waste states that the planning system should look favourably on proposals that facilitate more efficient management of the waste resource. Planning guidance therefore supports recycling, use of renewable resources, and the development of sites for waste management facilities in appropriate locations, subject to environmental criteria.

The sustainability of the proposed location of this renewable energy facility, is a further important consideration in assessing whether the principle of the development is acceptable. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW2 sets out a number of criteria to be taken into account including sites that would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options and has good access to key services and facilities.

It would not normally be expected for this type of waste facility to be located within the settlement boundary and its separation from settlements is considered to be an overriding sustainability and amenity consideration. Furthermore, the site is easily accessible from the A473 Church Village Bypass. For these reasons together with the extant permission, ensure that the principle of the proposal is therefore in accordance with Policy CS9 and the facility is located in a sustainable location, in accordance with Policy AW2 of the Rhondda Cynon Taf Local Development Plan (LDP).

The main considerations in the determination of this revised application are considered to be the consequences of the proposed use on the character and appearance of the landscape; the amenities of adjoining land uses; the local conservation value and biodiversity interest of the area; highway safety and traffic generation; pollution of the environment and flood risk.

Character and Appearance of the Landscape

As part of the previous application, the applicant's agent submitted a Landscape and Visual Assessment and Landscape Mitigation measures, which formed part of the proposed development.

It is considered that the revised proposed access route and the small extension to the waste transfer station area are acceptable. The general provision and width of the previously proposed landscape mitigation works, which are numbered NW1, NW2, NW3 and NW4 on the submitted Drawings Ref No's 428/01 and 428/02 are retained albeit in slightly amended locations. The additional perimeter bunds and fencing and changes to the location and dimensions of the site office are also

not considered to have any discernible effect on the existing character and appearance of the area.

Local Conservation Value and Biodiversity Interest of the Area

The site lies adjacent to the existing water courses of the Nant Myddlyn and the Nant Dowlais which are designated in the Local Development Plan as Sites of Importance for Nature Conservation, for the habitat and wildlife associated with the riverbanks. (SINC's AW8.148. Nant Myddlyn/Afon Clun and AW8.146 Efail Isaf South.)

The revised proposals extend the development nearer the Nant y Myddlyn watercourse, however no loss of the wooded embankment would result. This is apart from one particular area where the works have commenced and some disturbance to the bank has resulted. It is considered that this matter can be rectified by conditions to secure the restoration of this area and the adherence to the approved plans. No objections have been raised by NRW or the Council's Ecologist subject to the imposition of conditions. Therefore it is considered that the revised scheme complies with national and local planning policies in respect of its impact on existing landscape features.

Environmental Protection and Public Health

Pollution , Flood Risk and Drainage

The Public Health and Protection Division have also recommended a condition requiring a scheme to deal with any contamination issues related to the previous landfill uses on the site. However, subsequent to this response the Division has advised that the submitted Geo-Environmental Report dated May 2013 adequately covers this issue.

In terms of surface water management, this application proposes that the means of dealing with surface water would be attenuated by a settling pond prior to discharging to the Nant Myddlyn. The Council's Drainage Officer has recommended a number of conditions which would be imposed on any consent granted in order to secure the details and implementation of these works. However, the approved Geo Technical Report states that in order to prevent water pollution there should be a sealed drainage system. It is therefore considered that a condition should be imposed to secure a sealed surface water management system, unless otherwise approved in writing by the Local Planning Authority.

There is a very small area of Japanese Knotweed on the boundary of the site adjacent to the Nant Myddlyn. Therefore, an additional condition to secure treatment of this area will be required.

Highway and Pedestrian Implications

As constructed the access road is located in very close proximity to the boundary of the Church Village Bypass Scheme, which would have resulted in some of the passing bays not being able to be constructed. However, the revised proposals involve amending the location of the private access, widening it at the bends to accommodate passing areas and the insertion of a passing bay within the adopted part of the access route. In these circumstances it is considered that subject to appropriate conditions the proposed development would not have a detrimental impact on highway safety or the free flow of traffic. In addition, a 1.5 metre wide footpath for pedestrians is proposed along the adopted part of the route. This would link into the existing public footpath which has been provided as part of the Church Village Bypass and provide a segregated footpath for any pedestrian access to the site. Accordingly, the Transportation Section have raised no objections subject to a condition to secure its detailed engineering design. The Council's Public Rights of Way Officer has raised no objection subject to adequate separation of vehicular and pedestrian traffic and the provision a suitable link to the diverted Public Right of Way No. 57.

This application has generated one letter of concern which has queried whether there would be any additional traffic using Ystrad Barwig Lane. As all traffic would use the new access onto Heol Creigiau there would be no traffic associated with the proposed development using Ystrad Barwig Lane. It is therefore considered that the highway implications of the proposed development have been assessed and is considered acceptable.

Amenities of adjoining land uses

It is considered that the revised proposals have no discernible effect on the amenities of neighbouring properties. The previous conditions imposed will be reiterated in order to adequately control noise, dust, traffic movements and hours of use.

CONCLUSION:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on the visual amenities of the area, highway safety, the amenities of nearby residential properties, surface water drainage, ecology and public health matters.

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. Hours of working/deliveries/collections, within/to/from the site shall be

restricted to 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and there shall be no such working/deliveries/collections on Sundays 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 policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The outside storage of skips, goods or materials shall only take place within the designated skip storage area show on approved plan number 932 -19E and at no time shall exceed 2m in height above the existing ground level, except for the storage of inert crushed materials which shall at no time exceed 5m above the existing ground level, unless otherwise approved in writing with the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policies AW5 and 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 external lighting equipment shall be erected or installed on the site unless details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in accordance with the approved details.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The landscaping works to be provided in connection with the development hereby permitted shall be provided in the locations shown on the submitted Drawings Reference Numbers 428/01, 428/02, 932-13-H and 932-19-E. Prior to the re-commencement of the development there shall be submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include details of the planting, ground preparation, programme of long term maintenance and protection, indications of all existing trees (including spread and species) 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. No further 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 use hereby permitted is recommences. 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.

8. Building operations shall not be commenced until samples of the materials proposed to be used for the recycling centre, staff and welfare facilities 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.

9. The development hereby permitted shall take place in accordance with the submitted details and the following restrictions:-

- Planabuild Ltd drawings - 932-01-G, 932-02-C, 932-04-C, 932-05-B, 932-06A, 932-09-C, 932-12-B, 932-13-H, 932-15-A, 932-16-B, 932-17, 932-18-A, 932-19-E, 932-20-A, 932-21-A, 932-22, 932-23.
- Haire Landscape Associates drawings - 428/01 and 428/02.
- The maximum throughout of 40,000 tonnes of inert waste per annum.

- A maximum number of five no. skip lorries shall operate from this site at any one time.

Reason: To define the consent granted, and to ensure that the traffic movements and noise emitted from this development are not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The development hereby permitted shall ensure that all skip levelling operations shall take place within the confines of the covered process/recycling centre, shown on plan no. 932-19-E.

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 policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No further development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage arrangements shall include a sealed surface water regulation system or an alternative system approved by the Local Planning Authority and details of the foul sewage system.

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

12. Prior to the beneficial use of the development hereby permitted the drainage works shall 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.

13. The development hereby permitted shall be carried out in accordance with mitigation details contained in the following documents, unless otherwise approved in writing by the Local Planning Authority:-

- i) Landscape and Visual Effects, prepared by Haire Landscape Consultants in August 2009, together with the mitigation planting shown on drawing no's 932-13-H, 932-19-E, 428/01 and 428/02.
- ii) The Flood Consequences Assessment, prepared by C.D. Gray & Associates in June 2009.

Reason: In order to respect and maintain the landscape character of the area, and to reduce the risk of flooding in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. The only means of vehicular access to the development shall be from the realigned Heol Creigiau, via the route shown on the submitted plan Drawing no. 932-13H & 932 - 19E.

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

15. Prior to works re-commencing on the waste transfer station part of the site, the improvements to the existing access inclusive of passing bays and the new footpath shall be set out in accordance with drawing numbers 932-12B, 932-13H, 932-19E and 932-20 Rev. A, in accordance with full engineering design and details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details within 2 months, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and satisfactory access, in the interests of the safety of all highway users in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. The development hereby approved shall not be brought into beneficial use until the space has been laid out within the site for employee and visitor cars to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The area approved shall not thereafter be used for any purpose other than the parking of vehicles.

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

17. No development shall re-commence until a wildlife protection plan for the construction phase and ongoing operations at the site has been submitted and approved in writing by the Local Planning Authority. All construction activities and operations on the site shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to respect and maintain the landscape significance of the area, in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to the re-commencement of the development, facilities for wheel cleansing shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details, prior to any construction works commencing.

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

19. The development hereby approved shall be undertaken in accordance with the Geo-Environmental Report dated May 2013, by Terra Firma Wales, unless otherwise agreed in writing with 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.

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

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

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APPLICATION NO:	13/0360/10 (PB)
APPLICANT:	Ocean Community Services Ltd
DEVELOPMENT:	Change of use from use class C3 (dwelling house) to class C2 (residential care facility) of the existing Ty Brynteg property and the refurbishment and extension of an existing out building for C2 use (Additional Information Received 2 September 2013 about proposed use of premises)
LOCATION:	TY BRYNTEG, ST LUKE'S ROAD, PORTH, CF39 9TR
DATE REGISTERED:	17/05/2013
ELECTORAL DIVISION:	Porth

RECOMMENDATION: Approve

REASONS

Ty Brynteg is currently in use by 5 residents living together as a single household with care support provided. The proposal is to adapt and extend

an outbuilding to provide accommodation for an additional 2 residents. The use of Ty Brynteg as a residential care facility for 7 adults living together with care support is not considered significantly different from the current use and is compatible with the residential character of the surroundings. There is no evidence that the proposal will give rise to an increase in crime and antisocial behaviour that might adversely affect the amenity of neighbouring residents, though members of the public have made representations on these grounds. The design and appearance of the proposed extension is acceptable and the removal of one oak tree does not give rise to an impact on Bats and is mitigated for by replacement tree planting.

APPLICATION DETAILS

Full planning permission is sought for the change of use of an existing dwelling house (Class C3) to a residential care facility (Class C2) and the refurbishment and extension of an existing outbuilding to provide additional residential care accommodation at Ty Brynteg, St Luke's Road, Porth.

The application states that the property has been used for the past 4 to 5 years as a dwelling under the terms of Class C3 (b) of the Town and Country Planning (Use Classes) Order 1987 which permits the use of a dwelling house where up to 6 residents to live together as a single household. Ty Brynteg has been used by 5 residents living together with support care provided.

The care provided is for adults who require relational-supported accommodation to assist them with their rehabilitation. The residents that currently and will reside at the property have learning disability and/or mental illness. They reside at Ty Brynteg as the final stage in their rehabilitation/recovery from their illness. Ty Brynteg currently caters for males, with three clients having successfully completed rehabilitation, and returned to live lives independently in the community.

The proposed development involves the conversion and extension of the outbuilding to provide greater independence for recovering clients in a self-contained, prior to progressing along their own care pathway by stepping down to living independently.

The nature of the use of the property will not change from that currently taking place there. The reason the proposal requires planning permission is because the property is being extended and adapted to provide accommodation 7 residents living together as a single household with residential care provided, thus taking the use out of Class 3 (b) and into Class C2.

The physical manifestation of the proposed change of use will involve the construction of a modest two-storey extension to the single storey outbuilding to the rear of the main dwelling at Ty Brynteg. The extension would measure 7.7m in length, 7.8m in width and 6.3m in height to the ridge of the pitched-roof. The

extension would be finished in materials to match the existing building. The overall out-building, once extended, would be laid out to provide self contained accommodation for two residents on the ground floor with staff office on the first floor. An Oak tree in the corner of the grounds of Ty Brynteg is proposed to be removed to facilitate the extension. Off street parking for 6 cars would continue to be provided within the curtilage of the building. No changes are proposed to the main dwelling house at Ty Brynteg.

The application is accompanied by the following:

- Design and Access Statement.
- Arboricultural Statement.
- Additional information about the applicant and the existing and proposed use of the property (received 30 August 2013).
- Bat Assessment report.

SITE APPRAISAL

Ty Brynteg is a large detached house adjacent to the St Luke's Road and Lewis Terrace and is bounded by these roads and woodland to the north and north-east. The access driveway from St Luke's Road is shared with a track that leads to allotments. Opposite the site is St Luke's Church and Church Hall. The immediate locality is primarily residential in character.

PLANNING HISTORY

10/0634	Ty Brynteg, St Luke's Road, Llwyncelyn, Porth,	Erection of a boundary fence to front side aspect of home. Erection of steps from elevated patio to garden at front of property.	Withdrawn 10/11/10
99/6617	Land at St Luke's Road, Porth	Detached dwelling.	Granted 24/03/00
80/0906	Plot of Land between Lewis Terrace and St. Luke's Church	1 House	Refused 26/01/81

PUBLICITY

Neighbouring properties have been notified of the application, which also has been the subject of site notices.

A total of 2 letters/emails from members of the public raise the following concerns:

- Use of property for rehabilitation of possible offenders released under the Mental Health Act and potential risk to safety of other members of the community, particularly children.
- Loss of a residential family home to a business/institutional use to the detriment of the character of the area.
- Potential for increased incidences of crime in the locality.

CONSULTATIONS

Transportation Section - no objection.

Public Health and Protection - no objections.

South Wales Fire Service – no response received.

Parks and Countryside Section - no relevant records of Statutory Protected Species from the immediate vicinity. Loss of the Oak Tree, which is a poor specimen, is justified and therefore acceptable. Pleased to see replacement tree planting proposed in Ty Brynteg. It is accepted there is no significant potential for Bats in the Oak tree and no restrictions to felling on Bat grounds identified.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

The application site lies in the settlement boundary of Porth and is unallocated.

Policies AW5 and **AW6** list amenity, accessibility, design and placemaking criteria that will be supported in new developments.

Policy AW8 safeguards the natural environment and heritage.

Planning Policy Wales

Planning Policy Wales, Chapter 9 Housing sets out the Welsh Government's policy on housing and planning.

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

The application property lies within settlement limits and within an established residential area. The proposal does not seek to alter the way in which the existing care facility operates but rather intends to adapt and extend the property to increase the size of the accommodation to permit the number of residents to increase from 5 to 7. As such, the main issues in determining the application are considered to be:

- The impact of the proposed change of use upon the residential amenities of neighbouring properties.
- The impact of the development upon the character and appearance of the surrounding area.
- The impact of the proposal on highway safety.

Residential amenity

The property lies close to neighbouring residential dwellings and, as such, it is important to consider the potential impacts of the proposal upon the amenity that neighbouring occupiers currently enjoy.

Ty Brynteg already provides care for 5 residents, who live as one household, with the aid of support staff. The application proposal will allow that number to rise to 7, but not significantly change the way in which Ty Brynteg currently operates. The care provided is for adults who require relational-supported accommodation to assist them with their rehabilitation. The residents that currently and will reside at the property have learning disability and/or mental illness. They reside at Ty Brynteg as the final stage in their rehabilitation/recovery from their illness. Ty Brynteg currently caters for males.

The care facility is not a secure unit, with the individuals who are resident at Ty Brynteg, living as one household, with shared living and kitchen spaces. Therefore, in many respects the way in which the property would be occupied, even as a care home, is comparable to that of a conventional domestic property therefore compatible with its surroundings. In their supporting statement, the applicants have confirmed that there would be no significant operational changes resulting from the increase in capacity, with the care home continuing to operate in the same manner.

The concerns expressed by neighbouring residents in relation to the increased risk of crime and anti-social behaviour are acknowledged. However, it is generally accepted that public concerns about a development in the terms expressed by members of the public may be justified if there is a history of disturbing behaviour of a particular use of land, and if established as an objective concern, that the impact of this conduct would interfere with the reasonable use and amenity of neighbouring residential properties, but only where there is evidence that such consequences

would occur. In this regard the current and proposed uses of Ty Brynteg are the same, the only difference being the extension and adaption to increase the level of accommodation from 5 persons to 7, which takes the proposal into a different Use Class under planning legislation. There is no substantive evidence that the present use of Ty Brynteg has given rise to any serious incidents of crime and anti-social behaviour, therefore there is no firm evidence that the proposed development would generate significant or harmful levels of crime and anti-social behaviour to be determinative in this case. Furthermore, there is no objection to the proposal from Public Health and Protection.

In light of the above, it is not considered that the change of use and associated conversion and extension to provide additional care facilities to cater for two additional residents, would significantly alter the way in which the existing facility functions. As such, it is not considered that the continued operation of the facility, albeit with an increase in capacity, would adversely impact upon the levels of amenity or privacy which neighbouring residents currently enjoy.

Character and appearance

In order to provide the additional accommodation, it is proposed that the existing building be converted and extended. These works are fairly modest and the design of the extension would be in keeping with the existing development at the site. Ty Brynteg is sufficiently distant from neighbouring dwellings that there are no issues of overlooking and loss of privacy from the works of conversion and extension. It is not considered that the proposal would adversely impact upon the established character of the street scene.

Bats and Trees

The proposed extension will require the removal of an Oak Tree in the corner of the grounds of Ty Brynteg. The tree, the subject of a tree report, is classed of little value, and a further ecological report has not revealed any significant potential for the use of the tree by Bats. As a consequence there is no objection to the removal of the tree, and in any event the application proposes replacement tree planting in the curtilage in mitigation.

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.

Highway safety and parking

The application does not propose any alterations to the existing access and parking provision which is considered adequate and has not attracted a highway objection.

Drainage

The proposed drainage arrangements of the extension are capable of being dealt with by means of a pre-commencement condition to a planning permission.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses and its potential impact upon highway safety. Therefore the proposal is recommended for approval, 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 Section 92 of the Town and Country Planning Act 1990.

2. The external materials of the proposed outbuilding extension shall match as near as possible the materials of the outbuilding.

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) 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.

4. No development shall take place until foul and surface water drainage arrangements of the outbuilding and its proposed extension have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use 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.

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APPLICATION NO:	13/0443/10	(LE)
APPLICANT:	Butlerwall Homes	
DEVELOPMENT:	Residential development of two new dwellings (semi detached pair) (Amended plans received 9/10/13 and 22/08/2013)	
LOCATION:	LAND OFF HOWARD STREET, CLYDACH VALE, TONYPANDY	
DATE REGISTERED:	02/05/2013	
ELECTORAL DIVISION:	Cwm Clydach	

RECOMMENDATION: Approve

REASONS:

The application is considered to accord with the requirements of the Local Development Plan, representing an appropriate form of infill development within the settlement limits of Clydach Vale. The proposed dwellings would pose no harm to the existing character and appearance of the area or the residential amenity of those living closest to the site. The development is also considered satisfactory in terms of highway safety implications.

APPLICATION DETAILS

Full planning permission is sought for the construction of a pair of semi-detached dwellings at land off Howard Street, Clydach Vale. The dwellings would be set back into the plot with a split level design, two-storey facing front and three-storey to the rear. The properties would have a pitched apex roof design, extending to a height of 8.5 metres facing front. Each dwelling would measure 5.7 metres in width with a depth of 8.7 metres. The dwellings would have brick elevations and concrete tiled roofs. Each dwelling would accommodate two bedrooms and a bathroom at first floor level. At ground floor level, the buildings would accommodate a lounge, hallway, and bedroom. The lower ground floor level/basement area of each dwelling would accommodate a kitchen and family room.

The proposed dwellings would face north toward the sloping vehicular highway fronting the site and be set on a comparable building line as the adjacent, modern brick properties situated to the west. It is indicated that off street parking areas and an associated turning area would be created toward the front of the new buildings (2

per dwelling). Given the sloping topography of the application site, the scheme includes the erection of a retaining wall, approximately 2.0 metres high at its highest point, to the front of the parking area. The retaining wall would be below the level of the highway fronting the site and would allow pedestrian and vehicle access into the site. Enclosed rear garden areas would be created to the south of each building. As part of the proposal an existing electrical sub-station positioned on the site would be re-positioned by approximately 3.0 metres and enclosed by timber fencing.

The planning application is accompanied by a Design and Access Statement.

SITE APPRAISAL

The application site is an irregular shaped sloping plot measuring approximately 1040m². The site predominantly consists of unmaintained grassland and planting, and also hosts an electrical sub station that is defined by high metal fencing. The adjoining land comprises an unnamed road to the site frontage, accessed off Howard Street and High Street. To the rear is a lane that also serves the rear of dwellings in Park Street. To the east is the rear of dwellings in Emlyn Terrace and to the west are relatively modern, red brick dwellings.

PLANNING HISTORY (post 1974)

12/1295	Variation of condition to extend date of commencement of planning application 07/1192	Approved 06/02/13
07/1192	Erection of a link of three dwellings	Approved 17/12/07
05/1778	Two detached dwellings	Approved 25/01/06
04/0649	Proposed erection of 5 dwellings	Approved 16/07/04
02/1175	Erection of three dwellings (Outline)	Approved 18/10/02

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. Representations were originally received by a local resident against the planning application in relation to the re-siting of the electricity sub-station. However, following the submission of amended plans that indicate the sub-station would only be re-positioned by approximately 3.0 metres to accommodate the development, the resident has withdrawn their objection against the planning application.

CONSULTATION

Transportation Section - raise no objections.

Countryside Landscape, Ecology - raise no objections.

Public Health and Protection - raise no objections.

Land Reclamation and Engineering - raise no objections, subject to conditions in relation to the detailed drainage of the development.

Welsh Water - raise no objections, subject to conditions in relation to the detailed drainage of the development.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement boundary and is unallocated.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW5 - specifies criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

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

Policy NSA10 - sets housing density requirements for the Northern Strategy Area

Policy NSA12 - supports housing development within and adjacent to settlement boundaries.

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.

Planning Policy Wales Chapter's 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 development

Permission is sought for the erection of two semi-detached properties within the existing built up area of Clydach Vale. The application site is situated on a predominantly vacant 'in-fill' plot that is surrounded by residential properties. The site is situated within the settlement boundary with the planning history for the site highlighting permission has previously been granted for residential development on the site; an extant consent existing on the plot for the erection of three dwellings. The principle of the development is therefore considered acceptable and in accordance with the provisions of the local development plan that aims to focus new development within defined settlement boundaries.

Impact on the character and appearance of the area

In terms of the visual impact of the proposal, the dwellings would be sited on a relatively spacious 'infill' plot with a similar layout and orientation to the adjacent, modern brick properties to the west. The proposed dwellings would be recessed into the site, with the buildings benefiting from surrounding garden areas and associated off-street parking and vehicle turning space. The dwellings would face toward the highway fronting the site with the scale and appearance of the dwellings being comparable to the existing, adjacent properties that also have a split level design and brick finish. Whilst it may be preferable to develop properties with a more traditional finish on the site, which would be more in keeping with the traditional terraced properties that predominantly characterise the village, given the close proximity of the application site to a number of modern brick properties, the style and finishes of the dwellings are considered acceptable in this context. The existing overgrown and unmaintained plot also has no significant visual or amenity value that would be lost as a result of such development. Overall, the proposal is not considered harmful to the existing character and appearance of the locality.

Impact on residential amenity and privacy

Turning to the impact on neighbouring residential amenity, it is not considered the scheme would have an overly adverse impact in this regard. The proposed dwellings would be erected on a relatively large plot and whilst elevated in relation to the properties positioned toward the rear of the site, along Park Street, the dwellings are unlikely to have such an adverse overlooking or overshadowing impact on the rear amenity spaces of these properties to warrant refusal of the scheme. The building line of the new dwellings would follow the adjacent modern properties and with only single hallway windows being positioned within the side elevations of each property, the new dwellings are unlikely to harmfully impact on the levels of amenity currently enjoyed by residential properties flanking the site. The extensive planning history of approved residential proposals on the site, including more intensive schemes to develop more than two dwellings on the plot, is also acknowledged in this instance. Furthermore, no objections to the scheme have been raised by local residents, following the submission of amended plans to limit the level of re-positioning works necessary for the sub-station currently occupying the plot. As such, it is considered the proposal would not have a significant, harmful impact on neighbouring residential amenity.

Access and highway safety

In terms of highway safety considerations, the proposal would create an access to the dwellings from the unnamed highway that links Howard Street with High Street toward the front of the plot. Off-street parking would be served via a parking and turning area to the front of the dwellings. The Council's Transportation Section has considered the proposal and has raised no objection. Conditions are suggested to ensure the appropriate provision of a pedestrian footway and adequate road widening to the site frontage (including the repositioning of a street lamp), and conditions to ensure wheel washing facilities and restrictions on the hours of large delivery vehicles are implemented during the construction phase of the development.

Other Issues

Following consultation with the Council's Public Health and Protection Division and the Council's Ecologist, no adverse comments have been raised against the scheme.

CONCLUSION

The application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan, representing an appropriate form of infill development within the built up area of Clydach Vale. It is considered that the development of a pair of semi-detached dwellings at the site would pose no unacceptable harm to the existing character and appearance of the area or the residential amenity of those living closest to the site. The development is also considered satisfactory in terms of highway safety implications. Approval of the planning application is recommended.

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 development, hereby approved, shall be carried out in accordance with the amended/revised plans received by the Local Planning Authority on 22/08/2013 and 09/10/2013.

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

3. Building operations shall not be commenced until samples/brochure details of the external finishes 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 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.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) 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.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, 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.

6. Notwithstanding the submitted details, no development shall take place, until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme for boundary treatments for the development. The approved scheme shall be implemented prior to the first occupation of the dwelling hereby approved.

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. 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 drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The dwellings shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development in accordance with policies CS11 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the commencement of development, full details (including external finishes) and design calculations of the proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the un-named road widened to 4.8m for the site frontage and 2.0m footway/vehicular crossover 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 prior to beneficial occupation of any dwelling.

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

11. The street lamp column affected by the proposed footway shall be relocated in a position to be agreed in writing by the Local Planning Authority prior to any works commencing on site.

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

12. 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. HGV's used as part of the development (during the construction phase) 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The dwellings 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.

15. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwellings 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.

16. Prior to the occupation of any of the dwellings 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.

17. 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0447/10 (MJ)
APPLICANT:	Safetan Properties Ltd
DEVELOPMENT:	Residential development to create 23 No. houses (Amended Plans Received 08.07.13)
LOCATION:	FORMER WILLIAMSTOWN PRIMARY SCHOOL, ARTHUR STREET, WILLIAMSTOWN, TONYPANDY, CF40 1NZ
DATE REGISTERED:	03/05/2013
ELECTORAL DIVISION:	Penygraig

RECOMMENDATION: Approve

REASONS:

The proposal is considered acceptable in principle.

The proposal is in keeping with policies AW1, AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the residential amenity of surrounding properties as well as highway safety.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing vacant school buildings and the erection of 23 dwellings on land formerly occupied by Williamstown Primary School, Arthur Street, Williamstown.

The dwellings will be arranged across the site with plots 1 to 13 fronting the surrounding streets of Blanch Street, Coronation Street and Arthur Street. Plots 14 to 23 will be arranged so that they front a new internal road and turning area and the play area proposed. A small play/landscaped area is also proposed to the front of plots 21 to 23.

The scheme consists of three different dwelling types which are as follows:

- House Types 1 and 2 have three bedrooms (including one in the roof space) and measure 5.6m in width by 8.8m in depth, at a height of 9.1m to the ridge. They only differ in their design detail on the rear elevation.
- House Type 3 also has three bedrooms and measures 5.6m in width by 8.8m in depth, at a height of 7.8m to the ridge. Two off-street parking spaces are proposed for each dwelling.

The materials proposed for all house types include Pennant stone, European Larch cladding, render, natural slate roof tiles and reconstituted stone.

The application is accompanied by the following:

- Design and Access Statement;
- Bat survey.

SITE APPRAISAL

The application site comprises vacant school buildings which occupy most of the site. The buildings are mainly of stone construction with slate roofs.

The site slopes downwards from Blanche Street to Arthur Street. The site is surrounded by residential properties which vary from terraced properties to semi-detached and detached dwellings. An existing children's play area is within the site's boundary on the corner of Coronation Street and Arthur Street.

PLANNING HISTORY

No previous relevant planning applications have been made on this site.

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:

- Concerns regarding parking problems in the area and comments that the proposed development will exacerbate these problems.

CONSULTATION

Transportation Section – no objections subject to conditions. It is also noted that based on the requirements of the Council's Planning Obligations SPG, the development would generate a transport tariff.

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. The Drainage Section has expressed concerns regarding the information submitted in relation to surface water drainage however this can be resolved via a condition.

Housing Strategy Unit – no objections – based on the findings of the Local Housing Market Assessment 2012, two of the three bedroom houses on the site should be made available for sale as Low Cost Home Ownership to Council nominated first time buyers from the Homestep register.

Education – no objections.

Environmental Services (Parks) – no objections subject to the proposed play area layout and design to be approved by the Parks Section and adopted upon the payment of a commuted sum for the maintenance costs.

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

submitted which has identified that the buildings on the site are used by bats and a European Protected Species licence will be required before any work is carried out.

Dwr Cymru/Welsh Water – no objections subject to conditions.

Cyfoeth Naturiol Cymru/ Natural Resources Wales (NRW) – no objections subject to conditions.

Glamorgan Gwent Archaeological Trust – comment that the proposed works will require archaeological mitigation and recommend a condition for a photographic survey to be carried out prior to development commencing.

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 Williamstown 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 6 (Conserving the Historic Environment),
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 16: Sport Recreation and Open Space;
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 redevelopment of the site for 23 dwellings will have an acceptable impact on the character and appearance of the surrounding area, 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 application site consists of a former primary school which forms part of the village of Williamstown. Under the provisions of the Local development Plan, the site is within settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its proximity to the Williamstown local centre which ensures that there are local facilities nearby.

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 proposal would be to construct 23 dwellings mainly fronting the surrounding streets. It is considered that the siting of the dwellings would result in a development that would sit comfortably with the layout of the surrounding area. The scale and appearance of the dwellings is considered to be acceptable and would not be detrimental to the character of the area. Whilst the design of the proposed dwellings do not match exactly the properties surrounding the site, the use of natural slate, stone and render will ensure that the properties are well related to the area in terms of design. It is therefore considered that the proposed development is acceptable in terms of its impact on the visual amenity of the area.

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 reference to the impact of the proposal on the residential amenity of surrounding properties, it is considered that the layout of the development is such that ensures that overlooking between habitable room windows will be kept to a minimum.

Given that the site lies within an established residential area, it is important to consider the potential impacts of the layout upon the levels of amenity and privacy currently enjoyed by the occupiers of neighbouring residential properties. It is considered that the properties closest to the site, on Blanche Street, Coronation Street, Arthur Street and School Street, are the main streets to be affected by the development.

The distances between the habitable room windows of existing and proposed properties are considered to be acceptable. Whilst some distances between the properties will be less than 21m (particularly along Blanche Street and Arthur Street), it is considered that this is reflective of the existing relationship between residential properties in the area further along the streets and it is considered acceptable in this

case. It is not considered that the proposed dwellings will have an overbearing impact on the neighbouring properties. It is considered that whilst the development will have an impact on the residential amenity of surrounding properties, on balance, it is not considered that the development will have such a detrimental impact as to warrant the refusal of the application.

Within the site itself each of the plots benefits from its own private garden area, with the layout ensuring reasonable separation distances are maintained between the proposed dwellings.

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. 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 and objections raised in relation to parking in the area, the Council's Transportation Section has raised no objections to the application subject to conditions.

The developer has suggested widening the carriageway at the junction of School Street and Arthur Street to provide better visibility around the bend which is satisfactory to the highway authority.

The proposed dwellings are relatively small, and given the location of the proposed in close proximity to public transport, it is considered that 2 off-street car parking spaces per dwelling is acceptable. The short term visitor parking could be accommodated within the adjacent terraced streets and new 5.5m access road which is also considered acceptable.

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.

The Council's Transportation Section has specified that the scheme is eligible for the payment of a transport tariff towards improving the strategic highway network, which will be secured as part of a Section 106 agreement.

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.

The application is accompanied by a Bat Survey. The Council's Ecologist has commented that the survey included a building investigation, and one emergence and one dawn return survey. Whilst the building assessment concluded low to moderate bat potential to activity, the survey recorded small numbers of common pipistrelle bat accessing three different buildings in the complex of school buildings. The survey report concludes that these are not indicative of maternity roosts, but more suggestive of use by males. The survey concludes that building is unsuitable as a hibernation roost. The Report identifies some mitigation proposals and identifies that an NRW European protected Species Licence will be required. A condition to ensure that the development is carried out in accordance with the recommendations made in the bat survey is included below.

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 a number of statutory consultees 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. Transport - a contribution of £34,592 as a Transport Tariff in accordance with the Supplementary Planning Guidance.
2. Countryside & Leisure (Parks) - a commuted sum of £30,000 for future maintenance of the play area should it be adopted.
3. Provision of 2 affordable housing units on the site made available for sale as Low Cost Home Ownership.
4. 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 resolve to approve the application.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with 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. Notwithstanding the approved plans, 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.

4. No development shall take place until foul and surface water drainage arrangements have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted 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.

5. 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.

6. 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.

7. 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.

8. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the internal road layout including sections; street lighting details, traffic calming 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the widening works to the existing highway (Arthur Street / School Street) including sections; street lighting details, and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The widening works 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the development being brought into use, vehicular footway crossovers shall be provided in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any

development on site commencing.

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

11. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.

12. The service apparatus affected by the proposed development shall be relocated in a position to be agreed in writing by the relevant statutory undertakers prior to any works commencing on site.

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

13. 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.

14. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting photographs should be deposited with the adopted Rhondda Cynon Taff Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: 01792 655208).

Reason: As the feature is of historic and cultural significance the specified records are required to mitigate impact.

15. No development shall take place until a method statement (MS) to deal with bat mitigation has been submitted to and approved in writing by the local planning authority. The MS shall include, but not be limited to:
- timing of works,
 - measures to avoid killing & injuring bats during works,

- use of materials (such as timber, roofing membranes),
- positioning and size of entrances,
- size & location of roosting areas,
- vegetation retention / management,
- proposals for lighting as appropriate,
- details of suitable roosting resources to be provided on the 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.

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APPLICATION NO:	13/0633/10	(MJ)
APPLICANT:	Construction Management Services Ltd	
DEVELOPMENT:	7 No. two bedroom self contained apartments together with external works.	
LOCATION:	FORMER POLICE STATION BETWEEN 9 AND 13 CARDIFF ROAD, TAFFS WELL, CARDIFF, CF15 7RB	
DATE REGISTERED:	20/06/2013	
ELECTORAL DIVISION:	Ffynon Taf	

RECOMMENDATION: Approve

REASONS:

The proposal is in keeping with policies SSA1, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design, its impact on the residential amenity of surrounding properties and highway safety.

APPLICATION DETAILS

Full planning permission is sought for the erection of seven, two bedroom apartments on land that was formerly occupied by Taffs Well Police Station. The police station building was demolished a number of years ago and the site is covered in scrub and small trees.

The proposed building is irregular in shape and will be located towards the south western area of the site fronting Cardiff Road. The three storey aspect of the building will measure 17.2m in width by 9.2m in depth at a maximum height of 9.45m to the ridge. The building will have a central projection to accommodate the main pedestrian entrance to the building and the central stairway internally. The building will also have an underpass to access the parking area to the rear of the building. Five of the flats will be located in this part of the building.

A projection which is between 1 and 2 storeys will be on the rear of the building with a hipped roof design will accommodate 2 flats.

Access to the site would be via a new access from Cardiff Road. A total of 14 off-street car parking spaces and a turning area would be provided in the rear area of the site. There will also be 12 bicycle spaces and an enclosed bin store within the rear car park area.

SITE APPRAISAL

The application site is approximately 0.093ha of land located on the south eastern side of Cardiff Road, Taffs Well. The site is flat and broadly rectangular in shape and measures 45m in depth by 20m in width across the frontage.

The site was formerly occupied by the local police station which has now been removed from the site. Vehicular access to the rear of the site exists via a made up lane from Anchor Street.

The site is located within a mixed use area where there are several commercial properties situated opposite the site and residential properties located to the north, east and south of the site. Number 9 Cardiff Road is a large residential property which has several windows along its elevation facing the application site.

PLANNING HISTORY

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

12/1259	Erection of 14 two bedroom self contained apartments together with external works.	Withdrawn 20/02/13
02/1453	Erection of 10 no flats together with external works	Refused 30/04/04
		Appeal: DIS 06/10/04

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. One letter of support and six letters of objection in relation to the proposal have been received which are summarised as follows:

Objections

- There is no need or room for any more flats in Taffs Well as the proposed development will be a drain on local services such as schools, waste collection and drainage.
- Existing infrastructure and the local community would be unable to support the scale of the development and would be under pressure as a result.
- The scale of the development is too substantial and imposing in its context on a small site and it will look out of place.
- The proposed development will have a detrimental impact on the privacy of neighbouring properties due to its scale and siting.
- Cardiff Road is a busy main road and bus route and there is concern regarding the proposed access to the site from Cardiff Road and the impact it will have on vehicular and pedestrian safety.
- Concerns are also raised regarding the loss of several on-street parking spaces to allow for access into the site.
- The proposal would exacerbate parking problems in an already congested area for both residential properties and businesses.
- The proposal represents overdevelopment of the site and the site was originally for a single family home and a small police station.
- The proposed structure is inappropriate within the context of the site and is out of character with the area. The proposal does not bear a good relation to the existing development in the area.
- The proposed development will have a detrimental effect on neighbouring properties due to the loss of privacy.
- Concerns are raised regarding the nuisance, noise and disturbance that would be expected from this number of units with comings and goings and the impact this would have on the amenity of existing surrounding residential properties.

- Concerns regarding the impact of light from the proposed development associated with this many residential units on the amenity of neighbouring properties.
- The design of the building is intrusive and offensive in both scale and size.
- Concerns regarding the impact of the proposed development on the existing drainage system.

Support

- The proposal is a good use of a piece of derelict land however suggests that there should be parking restrictions outside the site as well as an undercover bike shed.

CONSULTATION

Transportation Section – no objections subject to conditions.

Public Health and Protection Section - no objections subject to conditions including hours of working during construction and site investigations being carried out.

Land Reclamation and Engineering Section – no objections subject to conditions.

Countryside, Landscape and Ecology – no objections. One record of bats has been found at a distance of 38m from the site following a SewBrec search. The department considers the site to be of any local wildlife significance and given that the building which previously occupied the site has been demolished, no bat survey is required in this case.

Dwr Cymru/ Welsh Water – no objections subject to conditions.

Housing Strategy – no objections subject to the provision of 1 unit of affordable housing via Low Cost Home Ownership.

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 Taffs Well and is unallocated.

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

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 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 22: Sustainable Buildings.

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.

Principle of the proposed development

The site is unallocated and within the settlement boundary of Taffs Well where the principle of residential development is considered acceptable subject to certain criteria. The key considerations in this case are whether the proposed building will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

As detailed above, the scheme seeks to provide 7 flats, arranged over two and three floors. The building itself is located within settlement limits and within walking distance of the amenities of Taffs Well and in close proximity to transport links to Cardiff and the wider Rhondda Cynon Taf Borough. As a result of its location, the building will be within easy access of a variety of differing uses, and the area which immediately adjoins the site, is a mixture of commercial and residential properties.

Character and Appearance of the Area

In terms of the effect of the proposal on the character and appearance of the area and objections raised, it is considered that the size of the plot is appropriate to accommodate a building of the scale proposed. It is acknowledged that the surrounding properties predominantly consist of two storey dwellings, however it is considered that the height of the three-storey building has been kept to a minimum and the building will not appear out of place in the street scene. There are several other examples of three storey and larger scale buildings further along Cardiff Road and it is considered that the proposed development will add interest.

The proposed scheme is for a total of 7 two bedroom flats, arranged over three floors in a relatively simply designed building. 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 Cardiff Road and following the established building line. The materials proposed which include render and grey roof covering are also compatible with other development in the area and it is considered that the proposed development will have an acceptable impact within the street scene.

Although the density of the development proposed is higher than the surrounding area and objections have been raised regarding this issue, it is not considered that it would lead to a development which has a detrimental impact on the character of the area or the overdevelopment of the site. It is considered that the proposed design of the flats demonstrates that the development will not have a detrimental impact on the character or appearance of the street scene. The proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

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, light pollution, and noise and disturbance. The proposed building will be sited in a position to ensure that it will not have an overbearing impact on neighbouring residential properties.

The three storey aspect of the building will not extend beyond the main rear wall of 13 Cardiff Road which ensures that the impact on this property is kept to a minimum. Whilst the proposed development will have an impact on the garden area of number 9 Cardiff Road, it is considered, on balance that this impact will be acceptable. It is considered that the proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in this respect.

No habitable room windows are proposed in the south eastern elevation of the proposed building which ensures that there will be no overlooking to number 9 Cardiff Road which has several windows in the side elevation facing the site. Two bedroom windows are proposed in the side elevation facing number 13 Cardiff Road, however it is not considered that these will result in overlooking as they face the side elevation of the rear extension on the existing dwelling. Whilst the distance between the properties opposite the site on Cardiff Road will be less than 21m, it is considered that this is reflective of the existing relationship between residential properties in the area further along Cardiff Road and it is considered acceptable in this case.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. The appropriate condition is attached below.

In terms of the potential effects of the demolition and construction works on dust and air pollution that could have an effect on neighbouring properties, this issue is dealt with under Public Health legislation. An advisory note regarding dust will be attached to any consent granted.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjacent to the site. 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 and objections raised relating to highway safety and parking matters, the Council's Transportation Section has raised no objections to the application subject to conditions.

The proposal site is located on the main road through the village of Taffs Well (Cardiff Road A4054) which is a bus route, and where there are good transport links with both bus and rail services in close proximity.

Cardiff Road has a carriageway width of 8.0m with parking restrictions opposite and adjacent to the proposed vehicular access. There are a number of businesses located within close proximity to the proposed development. There is a considerable demand for on-street car parking in and around the surrounding area which is a matter that has been raised by objectors.

The submitted layout plan, Drawing No. (--) 301, shows a new access to be created onto the A4054 Cardiff Road that is in the form of a junction with turning radii. This is located on a heavy pedestrian trafficked route and therefore it is suggested that a vehicular crossover is created instead that would be to the benefit of safe pedestrian movement and a condition is suggested accordingly.

The submitted layout plan shows 14 on-site parking spaces which is considered acceptable, particularly having regard to the fact that public transport (bus and rail) is within walking distance of the site together with local amenities and that 6 cycle spaces are to be provided as part of the overall scheme. Therefore, it is on this basis that the parking layout proposed is considered to be at an acceptable level.

In accordance with RCT's Supplementary Planning Guidance, the proposal would be subject to the application of transport tariff on the basis that 5 or more residential units are to be constructed where the developer would be required to make a financial contribution of £15,792.

Having regard to the above the proposal is considered to be acceptable in terms of the impact on highway safety and is in accordance with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Matters

With reference to drainage issues raised by objectors, the Council's Land Reclamation and Engineering Section has been consulted and have raised no objections to the proposal subject to conditions requiring the submission and approval of full drainage details prior to the property becoming occupied. The relevant condition is recommended below and it is considered that the site can be developed without exacerbating any existing drainage issues.

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 a number of statutory consultees 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. Transport - a contribution of £15,792 as a Transport Tariff in accordance with the Supplementary Planning Guidance.
2. Provision of 1 affordable housing unit on the site made available for sale as Low Cost Home Ownership.
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 Member should they resolve to approve the application.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with 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. Notwithstanding the submitted plans, development shall not begin until details providing for the creation of a vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The crossover shall be constructed in accordance with the approved details before the development is brought into use.

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

3. The parking and turning areas shall be constructed in permanent materials and retained for the purposes of parking and turning only unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway and can enter and leave the site in forward gear at all times, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

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

5. 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. No lorries shall access or leave the site between the hours of 08:00am to 09:00am and 15:30pm to 16:30pm on weekdays.

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

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) 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.

8. 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.

9. 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 any units within the approved building are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be 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.

10. Building operations shall not be commenced until samples of the external finishes 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 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 take place until drainage arrangements 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.

13. 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.

14. 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.

15. 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.

16. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

- A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
- A written method statement for the remediation of contamination affecting the site.

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.

17. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 16) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved 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.

18. 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.

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APPLICATION NO: 13/0678/13 (EL)
APPLICANT: Mr S Ash
DEVELOPMENT: Construction of 1 (one) residential dwelling with garage.
LOCATION: 1 PARC-Y-NANT, NANTGARW, TAFFS WELL,
CARDIFF, CF15 7TS
DATE REGISTERED: 08/07/2013
ELECTORAL DIVISION: Ffynon Taf

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 redevelopment of the site for residential purposes is compatible with the area. It is considered possible to develop one residential dwelling on the site without adversely impacting upon the character and appearance of the area, the residential amenity of neighbouring occupiers and highway safety.

APPLICATION DETAILS

Outline planning permission is sought for the erection of 1 no. dwelling and a garage on a parcel of land, located to the east of 1 Parc-y-Nant, Nantgarw. The parcel of land is irregular in shape and measures approximately 0.08ha.

The application is made in outline with all matters reserved for future consideration. An illustrative block plan accompanies the submission, which indicates the approximate points of vehicular access and an illustration of where the dwelling may be positioned.

This layout illustrates the dwelling located toward the north western extent of the site, orientated in order that it would address Old Nantgarw Road. The illustrative layout suggests that the property would benefit from a new vehicular access, which would be formed directly off Old Nantgarw Road, with a parking area to the front of the plot and gardens to the side and rear.

Whilst scale and appearance are both matters reserved for future consideration it has been indicated that the dwelling would be within the following scale ranges:

Length/width: minimum 9.0 metres – maximum 14.0 metres

Depth: minimum 9.0 metres – maximum 10 metres

Height: minimum 5.0 metres – maximum 7.0 metres

The application is accompanied by;

- Tree Survey. This survey assesses the condition and quality of the trees on the site (which are currently protected by preservation orders) and recommends the removal of three trees, a Hawthorn and Ash and Oak, positioned at the eastern extent of the site.
- A Survey of Trees for Use by Roosting Bats, prepared by Acer Ecology dated June 2013.

SITE APPRAISAL

The parcel of land is irregular in shape and measures approximately 0.08ha. The plot currently forms an extended garden, which is used in connection with 1 Parc-y-Nant, Nantgarw. The site is positioned to the east of the dwelling, with its northern boundary being defined by the line of Old Nantgarw Road. To the south, the site is bounded by a narrow landscape buffer, with Caerphilly Road (A468) being to the far south of the site. The site itself is relatively level, with the exception of a slight build up around a tree group, however it sits above the level of Old Nantgarw Road to the north and 1 Parc-y-Nant to the west. The site is subject to a group tree preservation order with one tree group being positioned toward the eastern extent of the site, consisting of a Hawthorn, Ash and Oak. A further large Oak is positioned toward the southern point of the site. The boundary with Old Nantgarw Road is defined by a

stonework wall, which also appears to provide a retaining function. Above this is a hedgerow, which is also subject to a preservation order.

PLANNING HISTORY

12/1252	1 Parc-Y-Nant, Nantgarw, Cardiff,	The erection of two residential dwellings with garages. (Outline)	Refused 19/03/13
01/2494	1 Parc Y Nant, Nantgarw, Cardiff.	Two-storey side extension.	Granted with Conditions 16/08/01
94/0016	Land Forming Part Rear Curtilage of 1 Parc Y Nant, Nantgarw, Cardiff.	Proposed detached shop with residential flat over.	Refused 15/03/94 Appeal: Dismissed 14/06/94
92/0635	1 Parc Y Nant, Nantgarw, Nr Cardiff	First floor extension and garage converted to lounge	Granted with Conditions 08/09/92
92/0579	Land adjoining 1 Parc Y Nant, Nantgarw, Nr Cardiff	Proposed temporary grocery shop and 2 No. permanent retail shop units with living accommodation on first floor	Refused 20/10/92
87/0475	Duffryn Ffrwd House, Nantgarw	32 Residential dwellings	Withdrawn 12/11/87
86/0315	Off Old Nantgarw Road, Nantgarw	Residential development	Granted with Conditions 14/07/86
76/0553	Off Old Nantgarw Road, Nantgarw	Residential development	Refused 28/07/76
75/1247	Duffryn Ffrwd House, Nantgarw	Residential development	Refused 14/10/75

PUBLICITY

The application was advertised by direct neighbour notification and site notices. No representations have been received.

CONSULTATION

Countryside, Landscape and Ecology – no objections raised to the principle of residential development, subject to conditions. Consultation with Natural Resources Wales recommended.

Natural Resources Wales - no objections raised, conditions suggested requiring the submission of a method statement, produced by a suitably qualified ecologist, detailing how any trees that may have the potential to support roosting bats will be felled.

Transportation Section – no objections raised subject to conditions, which require the provision of a turning area and car parking within the curtilage of the site.

Dwr Cymru - no objections raised, conditions suggested.

Public Health and Protection – no objections raised.

Land Reclamation and Engineering – no objections raised, however it is commented that open and culverted watercourses have been identified within 20 metres of the development site. A number of conditions are recommended, including one, which requires the submission of a Hydrological Impact Assessment.

Taffs Well & Nantgarw Community Council – concern is expressed with regard to the loss of trees, which support wildlife and act as a noise buffer from traffic on the A468.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within defined settlement limits.

AW1 sets out the criteria for new housing proposals, commenting that the provision of new dwellings will be met by a number of methods, including the development of unallocated land within the defined settlement boundaries.

AW2 promotes development in sustainable locations.

AW5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW8 refers to the protection and enhancement of the natural environment. Development proposals, that may affect protected and priority species will be required to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 development

The application site is located within settlement limits, with the land to the west forming part of an established residential estate. Given the character of the area and the fact that the site is currently used as an extended residential garden for number 1 Parc Y Nant, it is considered that the development of the site for residential purposes would be compatible with the surrounding land uses. Similarly, local planning policy states that residential development on unallocated land within the defined settlement limits should be supported, providing that the proposal would be well related to existing pattern of development and would not result in an adverse impact upon the setting of the area, highway safety or neighbouring amenity.

Character and Appearance

It is first noted that the current application represents a re-submission, following the refusal of an earlier scheme at the site. The application seeks to overcome the earlier reasons for refusal by reducing the number of dwellings proposed from two to one; and by providing additional supporting ecological reports.

In terms of physical area, the site measures approximately 0.08ha., representing a development plot which is physically large enough to accommodate a dwelling, however, the site is subject to a number of physical constraints. The plot is irregular in its form consisting of a parcel of land, which narrows at its eastern extent. Furthermore, whilst the site itself is relatively level, it sits slightly above the level of the adjacent highway to the north, from which point vehicular access would be formed. However, it is considered that the greatest constraint is the presence of a number of trees and hedgerows on the site, which are subject to tree preservation orders.

As set out above, the application is accompanied by a Tree Survey, which assesses the condition and quality of the trees on the site. The conclusions of this report find that the main group (positioned at the eastern extent of the site) consists of a Hawthorn, Ash and Oak and that two of these, the Hawthorn (T1) and Ash (T2) are either dead or dying and are classed as dangerous, in terms of their physiological condition. The third is considered to be in fair condition, but it is commented that the removal of the Ash (T2) will increase wind exposure to the tree; as such the report also recommends removal of this tree. However, the report finds that a large mature Oak (T4), which is positioned toward the southern extent of the site, is in good condition, with an expected life span in excess of 20 years. As such, it is recommended that this tree be retained. Having assessed the tree survey report, the Council's Tree Preservation Officer confirms that they have no objections to the removal of the large and decaying Ash tree (T2) or the twisted Oak (T3) that stands at its side. As such, they raise no objection to the principle of residential development on the site or the loss of the trees specified. However, it is commented that it will be important to ensure that the remaining Oak is offered adequate protection. It is commented that this should be achieved by the implementation of a root protection area. Given the size and condition of the tree, an appropriate protection area should extend to 8 metres (measured from the trunk of the tree). As such, should Members be minded to approve planning permission, a condition is recommended which requires no development be undertaken within the specified root protection area.

During consideration of the earlier planning application, concern was expressed that, whilst the site was physically large enough to accommodate two residential units, the development of two dwellings on the site would increase the potential impacts upon the mature Oak tree, which is to be retained, thereby compromising its long term future. With a view to addressing this issue, the current application has been revised and now proposes only one dwelling on the site. Whilst the application is made in outline, with matters of layout being reserved for future consideration, it is considered that the site is large enough to accommodate a dwelling and associated access and parking area. Furthermore, it is considered that the reduction in the number of dwellings now provides greater flexibility to develop a layout, which increases the separation distance between the proposed dwelling and the mature Oak that is to be retained, thereby observing the required root protection area.

It is acknowledged that the application site is slightly elevated above the level of the highway, therefore, the works required to form a vehicular access from Old Nantgarw Road, would involve a degree of engineering works. Similarly, as the site is elevated above that of number 1 Parc Y Nant, it is acknowledged that the dwelling and associated works would form visible features in the street scene. However, it is considered that the plot is of sufficient size to enable a layout that would be in keeping with the character of the area and to orientate a dwelling in order that it would address the highway which bounds the site. Furthermore, it would be possible

to retain the vast majority of the hedgerow, which bounds the northern line of the site.

Whilst the proposal would inevitably result in the loss of trees, which offer some amenity value, the tree survey that accompanies the application, indicates that a number of these have a limited life span; and are classed as dangerous, in terms of their structural condition. Nevertheless, in order to compensate for their loss, it is considered reasonable to require any reserved matters application to be accompanied by a landscaping scheme, which should detail replacement planting to compensate for the removal of the existing trees on site.

Therefore, whilst the loss of the trees is regrettable, on balance, given the findings of the tree report, it is not considered that their loss would result in such an adverse impact upon the character of the area, that would warrant the refusal of the planning application. As such, it is considered that the site is capable of accommodating a dwelling, which would be in keeping with the general scale, character and appearance of the surrounding area, and, is therefore in accordance with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As set out above, the property is located within an established residential area, therefore, it is important that the privacy and amenity of existing neighbouring residents is safeguarded.

In terms of the potential impact of the development upon the amenity and privacy of adjacent residents, it is acknowledged that the application site is elevated above the dwelling to the west of the application site. However, it is also noted that this property is within the control of the applicant. Whilst matters relating to the scale and appearance of the dwelling are reserved for future consideration, the applicant identifies the maximum height of the proposed dwelling as 7.0 metres. It is considered at this scale, taking into account the difference in level between the two sites, it would be possible to develop the plot without resulting in an overbearing impact upon the residents of the closest neighbouring property.

Similarly, it is acknowledged that the plot is also elevated above the dwelling to south (2 Parc-y-Nant). However, the need to retain the mature Oak, would ensure a buffer along the southern extent of the site is provided. As such, it is considered that it would be possible to develop the site without unduly compromising the amenity or privacy of these neighbouring occupiers.

Overall, it is not considered that the proposal would result in such an impact upon the levels of amenity currently enjoyed by neighbouring residents that would warrant the refusal of the planning application.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, no objections have been raised. As identified above, the illustrative layout plan suggests that access would be formed off Old Nantgarw Road, with a parking and turning area located to the front of the property. Whilst the layout plan that accompanies the submission is illustrative, the comments of the Transportation Section indicate that appropriate vision splays are achievable and sufficient space exists to provide an appropriate level of parking and a turning area within the curtilage of the site. As such, it is not considered that the development of the plot would result in an adverse impact upon highway safety in the vicinity of the site.

Furthermore, as set out above, the reduction in unit numbers from two to one, now removes the need to create two independent means of access to the site and reduces the area required for parking and turning. In turn this reduces the amount of engineering works necessary and limits the potential impact upon the character of the site and its setting.

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

As set out above, in order to aid in the assessment of the proposed works upon protected species, the planning application is accompanied by a survey of trees for use by roosting bats.

The report finds that two of the trees have moderate potential for supporting roosting bats, with confirmed use of an Oak (identified as T5 in the bat survey). Whilst the presence of bats on the site is acknowledged, the report concludes that the potential impacts resulting from the proposed development can be adequately managed by a series of recommendations, as set out in the report.

These recommendations include; timing of the tree works to coincide with the period of lowest bat activity, ensuring the services of an licensed bat consultant are available on an 'on-call' basis and the provision of artificial bat roosts on the site. It is also noted that the applicant will be required to apply for a European Protected Species License (from Natural Resources Wales) should works to the mature Oak (identified as T5 in the bat survey) be necessary.

Following consideration of the report, no objections have been raised by either the Council's Ecologist, or Natural Resources Wales, subject to the works being carried out in accordance with the recommendations of the Bat Report. A further condition,

which requires that no trees or habitat be cleared in the bird-nesting season, is also recommended, should Members be minded to approve planning permission. It is also recommended that an informative note be attached to any permission granted, which draws the applicant's attention to the need to apply for European Protected Species License.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses, impact upon the amenities of existing residents and its potential impact upon highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the building, the means of access thereto 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, the means of access to the site 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 Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The submitted indicative layout plans and street scene (including drawing SA-5) suggested as part of the application are not approved as part of this planning permission.

Reason: For the avoidance of doubt as to the extent of the permission and to preserve and to enhance the visual amenities of the locality in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local

Development Plan.

3. Off-street parking shall be provided 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.

4. Turning facilities shall be provided to enable vehicles to enter and leave the site in a forward gear 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 to the satisfaction of the Local Planning Authority prior to beneficial occupation. The turning area shall be used only for the purposes of the turning of vehicles and for no other purpose.

Reason: To ensure that vehicles can enter and leave the site in a forward gear at all times, in the interests of highway safety.

5. Development shall not begin until details providing for the creation of a vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The crossover shall be constructed in accordance with the approved details before the development is brought into use.

Reason: In the interests of highway and pedestrian safety.

6. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.

7. 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.

8. The reserved matter application shall be accompanied by details of existing

and proposed levels (including relevant cross sections). The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby approved shall be undertaken in accordance with the recommendations and mitigation measures set out in the 'Survey of Trees for Use by Roosting Bats', undertaken by Acer Ecology, dated June 2013, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to minimise the adverse impacts to wildlife features and protected species in the interests of biodiversity in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of development, details for the provision of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to commencement of development a method statement, produced by a suitably qualified ecologist, detailing how any trees (that may have the potential to support roosting bats), will be felled, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the method statement, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to minimise the adverse impacts to wildlife features and protected species in the interests of biodiversity in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No tree works or habitat clearance works should be undertaken during nesting bird season (March to July inclusive) unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to minimise the adverse impacts to wildlife features and protected species in the interests of biodiversity in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

13. All tree works shall be undertaken in accordance with the recommendations of the Tree Information Report and survey entitled '1 Parc-y-Nant, Nantgarw BS5837 2012 Tree Information' which accompanies the planning application, unless agreed otherwise 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.

14. A root protection area of not less than 8.0 metres, measured from the trunk of the retained Oak tree (identified as T4 in the accompanying Tree Survey entitled '1 Parc y Nant, Nantgarw BS5837 2012 Tree Information') and a root protection area of not less than 2.0 metres, measured from the line of the hedgerow (identified as G5 in the accompanying Tree Survey) shall be identified and retained. No development, including any groundworks or storage, shall be undertaken within this root protection area, unless agreed otherwise in writing by the Local Planning Authority. 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. 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. If any trenches for services are required in the fenced-off areas 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 specified 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.

15. 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. The landscaping scheme shall also include details of any replacement planting required to mitigate against the loss existing trees on the site.

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.

16. 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.

17. 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 is 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.

18. Building operations shall not be commenced until samples of the construction 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.

19. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not 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.

20. No development shall take place unless a scheme has been submitted to and approved by the Local Planning Authority, including proposed mitigation, design details and a development program with respect to:

- Protection of open and culverted sections of the existing watercourse during and after construction;
- Protection of properties downstream of the development from increased flood risk during and after construction owing to the development; and
- Protection of properties within the development from flood risk.

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.

21. The 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 the 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 the 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.

24. 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.

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APPLICATION NO: 13/0772/10 (LE)
APPLICANT: Mr R Pryse
DEVELOPMENT: Change of use from private members club to public house A3 use.
LOCATION: TREHERBERT COMMUNITY CLUB, TY DRAW, 55 WYNDHAM STREET, TREHERBERT, CF42 5BS.
DATE REGISTERED: 02/08/2013
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, impact on the visual amenities of the area, the amenities of nearby residential properties and highway safety.

APPLICATION DETAILS

Full planning permission is sought for the change of use of Treherbert Community Club (Treherbert R.F.C Community Club) from a private members club (sui generis use class), to a public house (A3 use class). The application relates solely to the change of use of the premises and does not seek to make any physical alterations to either the scale or external appearance of the existing building.

There is no off-street car parking available at the site and the main pedestrian entrance to the building is directly from Wyndham Street. In planning terms, there is currently no restriction on hours of opening.

It is proposed that the public house would be open to visiting members of the public between the hours of 12.00 hours and 24.00 hours each day of the week.

Supporting information submitted with the application indicates that the club has recently upgraded its toilet and access facilities with the works being undertaken with the assistance of grant funding. A condition of the grant was that the club should seek to allow open access to all the community within a more inclusive environment.

As such, the planning application is being submitted to meet such a condition and thereby allow open access to the premises; such a change would also assist financially and ensure the building has a long term future for the community. There will however be no fundamental change to the type of activities undertaken at the site.

The planning application is accompanied by an Access Statement.

SITE APPRAISAL

Treherbert Community Club is a large, mid-terraced building, located within a predominantly residential area of Tynewydd, Treherbert. The building is situated on the main road through the village. The club building appears as a distinctive and characteristic building that acts as a counterpoint to the surrounding, traditional terraced properties of the locality. The front of the building has a stone finish with large windows and surrounding detailing. A projecting two-storey gable feature forms a porch style entrance to the building with a small linear strip to the front of the building being defined by existing metal fencing. The rear of the building has less distinctive rendered/dash elevations and a large annexe projects from the main aspect of the building. The application building is flanked, and situated opposite traditional, residential terraced properties although there are a small number of retail units positioned further to the southeast.

PLANNING HISTORY

12/0747	Two storey rear extension to provide toilet facilities and ramp to front	Granted 26/09/12
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PUBLICITY

The application was advertised by means of direct neighbour notification letters being sent to adjoining occupiers and the posting of site notices in the immediate area. No representations or objections have been raised against the planning application.

CONSULTATION

Transportation Section – raise no objection.

Public Health & Protection – advise the application site is situated within close proximity to a number of residential properties and there is potential for the activities on the site to have an impact on local residents. As such, it is advised an acoustic report be submitted for the application and the hours of deliveries/collections from the site be appropriately controlled.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the settlement limits and is unallocated.

Policy AW2 promotes development in sustainable locations.

Policy AW5 sets out the criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

Policy AW10 states that proposals, which would result in an unacceptable risk of harm to health, will not be permitted. Such risks include loss of amenity due to air, light, and noise pollution.

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 (PPW) Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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:

The main considerations in the determination of this application are considered to be the principle of the change of use, the impact on the character and appearance of the locality; the impact of the development on the amenity and privacy of neighbouring residential properties, and the impact of the scheme upon highway safety.

Principle of the proposed development

Full planning permission is sought for the change of use of the Treherbert Community Club from a private members club to a public house (planning use class A3). In terms of the principle of the development, as detailed, the application site

consists of an historic club premises that is prominently located on the main road through the village. Although predominantly surrounded by residential properties, when considering the compatibility of such a use, due regard in this instance should be given to the existing status and function of the application building. The existing use of the club premises has broadly similar characteristics to the proposed use of the building as a public house. The proposal does not seek to significantly alter the way in which the existing facility operates but seeks to allow open access to all members of the community to sustain a long term future for the building. The change of use would also meet the requirements of a grant the premise has recently received to upgrade access and toilet facilities. In summary, the application is considered acceptable in principle.

Impact on the character and appearance of the locality

As identified above, the application relates solely to the change of use of the premises and does not seek to make any physical alterations to either the scale or appearance of the external fabric of the building. The proposed change of use would ensure a viable and active use is retained for this prominent and attractive building with no changes required to the appearance and general layout of the existing building. As such, the visual impact of the building within the street scene would remain unaltered, with the proposed change of use causing no detrimental impact upon either the character or appearance of the building or its wider setting.

Impact on residential amenity and privacy

Under the provisions of the Use Classes Order, a private members club is regarded as a sui generis use, whereas a public house falls within the A3 use class, therefore the proposed change of use requires planning permission. It is considered that the key difference between the two uses relates to clientele, with a private members club being open only to registered members and their guests, although the proposed public house would be open to serve any member of the public. Nevertheless, whilst the two uses fall within different classes, it is considered that the way in which the business would function, would be broadly similar. As detailed by the applicant the intention is to provide a more inclusive environment and allow open access to the community (not just registered members). There will be no fundamental changes to the way in which the building operates or the type of activity undertaken at the site, which has been carried out for many years. The premise will continue to serve the local rugby club and be controlled by a Committee. The new use would also continue to bring social and leisure benefits to the surrounding locality whilst also permitting access to a wider section of the community.

It is acknowledged that the premise is sited within close proximity to a number of residential properties and it is proposed that the public house would be open to members of the public up until 24.00 hours each day of the week. Whilst this obviously represents evening and night time trading, the applicant has detailed these are the existing hours of operation of the building and it is considered such opening

times for the use proposed are not unreasonable, particularly in light of the historic use of the site and on the basis the scheme does not seek to significantly alter the way in which the building operates.

Overall, it is not envisaged that there would be any significant increase in problems resulting from the operation of the premises as a public house, compared to those previously experienced and generated at the site. Furthermore, following the neighbour consultation process no objections have been raised against the scheme. The comments of the Council's Public Health and Protection Division are also acknowledged and it is considered reasonable and appropriate to ensure the submission of an acoustic report and the permitted hours of delivery vehicles to the site are controlled in this instance, through recommended conditions.

Highway Safety Issues

Finally, following consultation with the Council's Transportation Section, no objections have been raised against the planning application. It is detailed there are bus stops located within close proximity to the site and it is anticipated that the majority of patrons would walk to the application premises. Also, the proposed and existing use of the building have a like for like requirement for off-street car parking and although there is some concern with the lack of off-street car parking facilities, given that this is an existing situation with no increase in the parking requirement, no highway objection is raised.

As such, it is not considered that the proposed change of use would result in a detrimental impact upon highway safety in the vicinity of the site.

CONCLUSION

Having taken account of all of the issues outlined above, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, its visual impact, the impact on the amenities of nearby residential properties and highway safety. Approval of the application is therefore recommended.

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 use hereby permitted shall not operate other than between the hours of 12:00 hours and 24:00 hours on any one day.

Reason: To minimise the effects of the development upon neighbouring residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Prior to the use hereby permitted being brought into beneficial use, an acoustic report, which includes a scheme, which specifies the provisions to be made for the control of noise emanating from the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use and maintained as such thereafter.

Reason: In the interests of residential amenity in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Hours of deliveries and collections to and from the site shall be restricted to the hours of 08:00 – 18:00 hours Mondays to Saturdays, and there shall be no such deliveries/collections on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the Public House hereby permitted) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and to protect the residential amenity of those closest to the site in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0782/10	(GW)
APPLICANT:	Mr R Keepings	
DEVELOPMENT:	Construction of 1 no. detached split level residential dwelling.	
LOCATION:	PLOT 3, THE FORMER ST JOHN THE BAPTIST CHURCH, CLARENCE STREET, MISKIN, MOUNTAIN ASH.	
DATE REGISTERED:	29/07/2013	
ELECTORAL DIVISION:	Penrhiwceiber	

RECOMMENDATION: Grant

REASONS:

The plot benefits from outline permission and is located within the settlement boundary. The proposed dwelling is acceptable in terms of its visual impact, impact on residential amenity and access and parking.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached dwelling at the site of the former St. John the Baptists Church in Mountain Ash, which has now been demolished. The dwelling would be located within its grounds and to the south of the former church. It would be single storey facing towards Clarence Street and two storeys to the rear. Living accommodation would also be provided in the roof space with the provision of dormers. The rear elevation would have a central two storey 'bay window' projection. Pennant stone would be used on the front elevation with the remaining elevations being finished with smooth painted render. The roof would be covered with reconstituted slate.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The application site is part of the grounds of the former St Johns Baptist Church, which has been recently demolished. It is a sloping piece of land from Clarence Street down to the rear. The site is bound by the Clarence Street to the west, the rest of the former church site to the north and the rear lane to Thomas Street along the remaining boundary. On the opposite side of Clarence Street is the former Clarence Street School.

PLANNING HISTORY

12/0472	St John The Baptist Church, Clarence Street, Mountain Ash	Demolition of St John The Baptist Church, followed by outline application with all matters reserved, for the construction of 3 no. split level detached residential dwellings.	Granted 09/08/12
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PUBLICITY

The application has been advertised via direct neighbour notification and site notice. One letter of objection from an occupier of a dwelling on Thomas Street has been received. The comments are summarised below:

- Concerned with regard flooding as a water course runs through the site, which is partly culverted.
- Concerned about access for construction traffic other than from Clarence Street.

CONSULTATION

Countryside, Landscape and Ecology - no objection at the time of writing the report.

Dwr Cymru/Welsh Water – no objection subject to drainage conditions. Natural Resources Wales should be consulted with regard use of septic tank.

Land Reclamation and Drainage - no objection subject to conditions. Ordinary Watercourse Consent maybe required.

Natural Resources Wales - objects to non-mains foul drainage. Welsh Office circular 10/99 (paragraph 3 and 4) stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the Local Planning Authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

Public Health and Protection - no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions on the provision of the access in accordance with the submitted plan, details of vehicular crossovers, surface water not to drain onto the public highway and details of traffic management.

Wales & West Utilities – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is situated inside the defined Settlement Boundary and unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

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.

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

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) set 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;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. Outline planning permission (12/0472) exists on the larger site area (the whole grounds of the former St John the Baptists Church) for three dwellings. Therefore the principle of residential development is acceptable subject to the following material considerations.

Impact on the character and appearance of the area

The split level design compliments the steep nature of the site and the use of natural stone and slate would be acceptable. The main impact would be from the rear elevation as this would be relatively prominent from surrounding views. The plot is however quite large and the former church building was also a big building. A large building (Clarence Street School) is also located on the opposite side of Clarence Street and the dwelling would be partly viewed against this. Therefore it is considered the proposed dwelling would not look out of place and the visual impact would be acceptable.

Impact on residential amenity and privacy

With regard to the impact on residential amenity, the main impact would be from potential overlooking to the rear of dwellings on Thomas Street. The rear elevation of the proposed dwelling would however be situated perpendicular to the rear boundaries of these properties and is separated by a rear lane. Only one window on the side elevation is proposed and this would be at the lower ground floor level. Therefore taking the above into account the impact would be acceptable. In all other amenity matters the application would be acceptable.

Access and highway safety

Three off-road parking spaces would be provided and accessed from Clarence Street. This is considered a sufficient amount of parking for the dwelling. An objection has been raised by an occupier of a dwelling on Thomas Street with regard to construction traffic potentially accessing the site from other streets (than Clarence Street) and causing disruption. Members are advised there is little opportunity to access the site from other streets and no objection has been raised by the Transportation Section. A condition requiring traffic management details, to be submitted prior to construction, has been suggested and could control construction traffic movement. Therefore this issue would be acceptable

Drainage and flooding

The applicant has indicated that a septic tank would be used for foul drainage. Natural Resources Wales (NRW) have objected to the use of a septic tank in public sewered areas and detail that inadequate justification has been provided for this method of foul sewage disposal. Notwithstanding this, Welsh Water have detailed there are public sewers in the area; however it can be seen from their drainage maps that a connection would most likely require crossing third party land. NRW have indicated that if sufficient justification is provided that a connection to the public sewer is not possible or reasonable and details of whether the site is suitable for a septic tank are provided a different stance may be taken. Members are advised that normally this should be established before permission is granted as the application details the use of a septic tank. Notwithstanding this outline permission exists for 3 dwellings on the larger site and this plot could be developed as part of a reserved matters application for that permission. Therefore in essence the principle of a dwelling on the site has already been established. As such, it is considered that the issue could be dealt with by a condition requiring the drainage details prior to commencement of development.

On a further issue, a partly culverted watercourse passes through the site and has been identified on the plans. An objection has been raised by a nearby resident with regard the impact on the water course and flooding. Members are advised the dwelling would be constructed to one side of the watercourse. No objection has been raised by the Council's Land Reclamation and Engineering Section subject to conditions to protect the watercourse during construction and properties from any flooding impact.

Conclusion:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, impact on the character and appearance of the area, the amenities of nearby residential properties, access and highway safety and drainage and flooding (policies AW2, 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 Section 91 and 93 of the Town and Country Planning Act 1990.

2. Notwithstanding the submitted plans no development whatsoever shall take place until drainage arrangements including a Hydrological Impact Assessment 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 policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The dwelling shall not 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 policies AW5 and 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 on the side elevations (other than any hereby permitted) shall be installed without the prior express permission of the Local Planning Authority, unless otherwise agreed in writing with 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. Building operations shall not be commenced until a sample or details of the roof coverings and render 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 so approved unless otherwise agreed in writing by the Local Planning Authority.

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.

6. The proposed stone walling shall be constructed in strict accordance with details of coursing, jointing, texture relief and colour to be submitted to and approved in writing by the Local Planning Authority and such details to be demonstrated by the prior construction of a sample panel unless otherwise agreed in writing by the Local Planning Authority. The panel shall be retained on site until the completion of the walling.

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.

7. The finished floor levels of the dwelling, hereby permitted, shall conform with details on plan number GA3 received on 29th July 2013 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) 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.

9. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development 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 policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to occupation of the dwelling the boundary treatment shall be completed in accordance with plan number GA2 received on the 29th July 2013 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.

11. Prior to occupation of the dwelling hereby permitted, the means of access, together with the parking for 3 vehicles, shall be laid out in accordance with submitted plan number GA2. Thereafter the area shall not be used for any other purpose other than the parking of vehicles.

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

12. Prior to occupation of the dwelling hereby approved, a vehicular footway crossing shall be provided in accordance with details to be first submitted to and approved in writing by the Local planning Authority.

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

13. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. 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 first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction unless otherwise agreed in writing by the Local Planning Authority.

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

15. The 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.

16. Unless otherwise agreed in writing by the Local Planning Authority, construction of the 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.

17. Prior to the occupation of the 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.

18. 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) 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.

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APPLICATION NO:	13/0827/10	(MF)
APPLICANT:	Miss A Varney	
DEVELOPMENT:	Erection of a 2.5 metre high fence	
LOCATION:	AM NAWR, 4 RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9PS	
DATE REGISTERED:	13/09/2013	
ELECTORAL DIVISION:	Hirwaun	

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

Full planning permission is sought for the erection of a boundary fence to the rear of 4 Rhigos Road, Hirwaun.

An existing brown coated steel box profile boundary treatment 2 metres in height has been erected on the boundary of nos 4 and 5 Rhigos Road to separate the rear gardens.

It is proposed the first 3.7 metres of the fence from the properties be increased to 2.5 metres in height to reduce the amount of overlooking that currently occurs due to the difference in ground levels between the two properties.

SITE APPRAISAL

The application property is a typical end of terrace dwelling located on the main highway through Hirwaun. The property has a render finish, a concrete tiled roof and all windows and doors are of white uPVC. The street rises from west to east with the adjoining property being sited at a higher ground level. A linear garden is sited to the

rear of the dwelling where a brown coloured steel box profile boundary treatment has been erected on the boundary of the site with the adjoining neighbouring property. The boundary treatment is 2 metres in height and therefore within the permitted development limits. There are examples of boundary treatments of varying design and scale in the locality.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupiers of the adjoining property 5 Rhigos Road making the following comments (summarised):

- The proposed boundary treatment would restrict sunlight within the rear amenity space of no. 5.
- The proposal would be unsightly.

One letter of support has been received from the residents of the adjacent property 3 Rhigos Road making the following comments (summarised):

- The proposed boundary treatment would form a pleasant visual feature in the locality.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hirwaun, but is not allocated for any specific purpose.

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 partial extension of a boundary treatment at an existing residential property and the principle of the development is therefore acceptable, subject to the criteria identified below.

Visual Impact

It is acknowledged the extended boundary treatment would be visually prominent from the adjoining property no. 5. However, no. 5 is sited at a higher ground level than the application site and with the new enclosure being only 3.7m in length and only 0.5m over the permitted development limit from the application site, the proposal is considered acceptable in terms of its scale, design and overall visual appearance. It is however considered a condition should be added to any approval requesting the applicant paint the western side of the enclosure facing the rear amenity space of no. 5 to ensure its prominence is further reduced improving the visual amenity of the occupiers of this property.

Residential Amenity

Whilst it is acknowledged that the additional height of the enclosure would be somewhat un-neighbourly, given the difference in levels between the application site and the adjoining property, the resulting overbearing impact would not be considered so severe as to justify the refusal of the application.

Sited to the west of the application site a degree of overshadowing impact would occur upon the rear amenity space of the adjoining neighbour no. 5 during the morning. With the adjoining site located at a higher ground level than the application site this impact would affect a small area of the amenity space only. Therefore, it is not considered the overshadowing impact would be significantly greater than that which currently occurs and consequently not be considered significant enough to warrant the refusal of the application.

Conclusion

It is not considered the boundary treatment extension would have a significant impact upon the character and appearance of the locality or upon the residential amenity of the adjoining neighbouring property. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies 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 western side of the proposed boundary treatment shall be painted in a colour that shall be submitted to and approved in writing by the Local Planning Authority prior to any works starting on site. The boundary treatment shall remain as such thereafter.

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

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APPLICATION NO:	13/0867/09	(GW)
APPLICANT:	YMCA	
DEVELOPMENT:	Lawful Development Certificate for an existing use providing a total of 5 bedrooms of emergency accommodation for vulnerable young people.	

LOCATION: YMCA, DUFFRYN ROAD, MOUNTAIN ASH, CF45
4DA.
DATE REGISTERED: 02/09/2013
ELECTORAL DIVISION: Mountain Ash East

RECOMMENDATION: That a Lawful Development Certificate for an existing use to provide a total of 5 bedrooms of emergency accommodation for vulnerable young people is granted.

REASONS:

Having regard to the information and evidence submitted it is considered that on the balance of probability the use of the premises described above has been carried out at the premise for a period of a minimum of 10 years.

APPLICATION DETAILS

This is an application for a Certificate of Lawfulness for an existing use, at the YMCA in Mountain Ash, providing a total of 5 bedroom units of emergency accommodation to vulnerable young people.

Members will be aware that a Certificate of Lawfulness could only be issued if the evidence provided indicates that on the 'balance of probability' the use has been ongoing for a minimum period of ten years. If such a Certificate were issued then the development described would be immune from enforcement action, even though the use has not been granted planning permission.

Temporary planning permission was originally granted for a 2 bedroom emergency accommodation unit for homeless children (94/271) and then extended to a permanent basis (96/4308). A subsequent planning permission for a loft conversion for staff accommodation detailed 3 bedrooms on the submitted plans (00/4536). This application is attempting to prove an additional two rooms (bedrooms 4 and 5 on the plans) and therefore a total of 5 bedrooms have been used as emergency accommodation for a period of over 10 years.

The application is supported by the following evidence:

Letter from Linda Phillips (YMCA Housing Manager) – This details she has been employed since Oct 2003 as the Co-ordinator of the accommodation unit until March 2012. Throughout that period the unit has always been 5 bed accommodation.

Letter from Maureen Fisher (YMCA employee) – has been employed since 2004 as a sessional worker and still working. Throughout the whole time it has always been a 5 bed unit.

Letter from Miss T Fisher (Former Mountain Ash YMCA employee from 2004 to 2010). The emergency accommodation has always been 5 units.

Letter from Roy Blacker (Member of board of management at Mountain Ash YMCA 2001) – It was agreed in 2001 to convert part of the building into a 5-bed hostel for young people.

Letter from Mair Lewis (Board Member of Mountain Ash YMCA for past 15 years) – To the best of my knowledge the number of bedrooms in the emergency accommodation unit were increased from three to five during the first quarter of 2001.

Letter from J.A. Williams (Board Member of Mountain Ash YMCA for past 25 years) – To the best of my knowledge we sought to remove the 1 night only condition per resident and once this had been granted we offered 5 bed accommodation.

Letter from Mrs Alison Field (Manager of Age Concern Morgannwg) – We entered into a tenancy agreement at the Mountain Ash YMCA in 2002. I recall the emergency accommodation unit was for 5 youths. In 2006 I became a board member of Mountain Ash YMCA and as far as I was aware there was authorisation for 5 young tenants to dwell.

Letter from Alan M Evans (Meco Accountancy Services) – I was approached to act for Mountain Ash YMCA in June 2003. The information provided to me from previous auditors advised me that the accommodation was for a maximum of 5 people.

Email from Dennis Payne (E3 Co-ordinator Mountain Ash Comprehensive School) – During my employment at Mountain Ash YMCA from 2002-2008 the accommodations unit consisted of 5 separate single bedrooms.

Letter from Helen Shoukris (Children in Need Support Worker) – As a support worker at Mountain Ash YMCA from August 2009, I have been responsible for supporting 5 clients in the accommodation unit in 5 separate rooms over 2 floors.

Two funding contracts for the provision of support services from Rhondda Cynon Taf County Borough Council Community Services with the YMCA dated for two years from 2003 to 2007. These detail the provision was for 5 units of emergency accommodation.

A further funding contract for the period 2009 to 2010 for 5 units of emergency accommodation is also included.

A floor plan of the attic detailing bedrooms 4 and 5.

SITE APPRAISAL

The application site is the YMCA building in Mountain Ash. It is located between Dyffryn Road and Campbell Terrace at the rear. The part of the building in question is located to the rear (i.e. closer to Campbell Terrace).

PLANNING HISTORY

07/1779	YMCA, Dyffryn Road, Mountain Ash	Install 3 Solar Panels to southerly facing roof	Granted 19/03/08
00/4536	YMCA Mountain Ash, Dyffryn Road, Mountain Ash	Loft conversion to provide additional staff accommodation	Granted 14/02/01
96/4308		Extension of permission 94/271 to continue the use of part of the building as emergency accommodation for homeless young people	Granted 16/01/97
94/376		Refurbishment of front elevation, external works	Conditions 02/11/94
94/271		Use of part of the building as emergency accommodation for homeless young people	Granted 02/11/94

PUBLICITY

The application has been advertised via direct neighbour notification and site notice.

Four emails from occupiers of neighbouring properties have been received. The comments are summarised below:

- What is the point of asking for views if the application is only to prove the use has been occurring for ten years?
- It is an ongoing problem and they should not be here let alone more residents, which will exacerbate the problem.
- I have noticed some building works recently.
- There has been an increase in residents in the last year or two.
- With the centres refusal to use the front door and residents using the back door this has resulted in an increase in anti-social behaviour. The residents

invite friends over and there has been fighting, drinking on the streets and abuse to surrounding residents when asked to be quiet. The police have been called a number of times. It has resulted in misery for the surrounding residents in the last 10 years. They use swearing and we have had to restrict our children from playing near the site.

- This is not the right place for the unit.
- Drugs have been found in the vicinity.

CONSULTATION

Legal Services – it would appear from the various statements that there was an increase in the number of bedrooms from 3 to 5 some time in 2001. The application has very little evidence with regard specific use of the rooms over the 10 year period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

As this is an application for a Certificate of Lawfulness Local Development Plan policies are not relevant to the determination of this kind of application.

National Guidance

Welsh Office Circular 24/97: Enforcing Planning control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate'.

Paragraph 8.15 deals with the relevant test of the submitted evidence and states where the burden of proof is on the appellant, the courts have held that the relevant test of the evidence on such matters is the 'balance of probability'.

REASONS FOR REACHING THE RECOMMENDATION

The legal requirements for a CLEUD are set out in Section 191 of the Town and Country Planning Act 1990 and Section 24 Town and Country Planning (General Development Procedure) Order 1995.

In order for a Certificate to be issued the applicant must provide evidence that on the 'balance of probability', the use described in the application has been ongoing for a minimum period of ten years. If such a Certificate were issued then the development described would be immune from enforcement action, even though the use has not been granted planning permission.

The planning history suggests a use as emergency accommodation has been in operation since 1994 with 2 bedrooms temporarily permitted in application 94/271. The evidence suggests this was made permanent in permission reference 96/4308. Permission for a loft conversion 00/4536 for additional staff bedrooms in relation to the emergency accommodation unit was granted in early 2001 and the existing plans

detailed 3 bedrooms in the emergency accommodation unit. This indicates the use was then operating with 3 bedrooms of emergency accommodation.

The main evidence submitted includes letters from current and former staff members and board members of the YMCA. These indicate all 5 bedrooms have been used as emergency accommodation over the period of the last ten years. In addition funding contracts from Rhondda Cynon Taf County Borough Council for 5 units of emergency accommodation have been provided covering the years 2003-2007 and 2009-2010. Taken together with the planning history this evidence suggests that 5 units of emergency accommodation have been in operation since 2001 to the current date and therefore over ten years ago.

Comments received from the public consultation exercise detail an accommodation use has been carried out for 10 years, however some comments point to the accommodation only recently increasing numbers in the last year or two. The Local Planning Authority however has little evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable.

Having regard to the information and evidence submitted it is considered that on the balance of probability the use of the premises described above was lawful for the purposes of planning:

Other issues

Members will be aware that a number of objections have been received to the use and the impact from anti-social behaviour (detailed above). It should however be noted that whilst the impact of these issues are unwelcome, they cannot be taken into account in determining this application. Therefore these issues should not be taken into account when assessing whether there is an existing lawful use.

RECOMMENDATION: Grant

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APPLICATION NO:	13/0953/15	(EL)
APPLICANT:	Specialist Cars	
DEVELOPMENT:	Variation of condition 2 (planning approval 06/1844) to provide revised car parking layout.	
LOCATION:	SPECIALIST CARS, ENTERPRISE HOUSE, CANAL ROAD, CWMBACH, ABERDARE, CF44 0AE	
DATE REGISTERED:	21/10/2013	
ELECTORAL DIVISION:	Cwmbach	

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal is in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the revised parking layout, provides an appropriate level of off-street car parking and is acceptable in terms of its impact upon highway safety.

APPLICATION DETAILS

This is an application under Section 73 of the Town & Country Planning Act 1990 seeking variation of condition 2 of planning permission 06/1844;

The 8 no. car parking spaces shall be laid out in accordance with the submitted plan (submitted 01/02/07) prior to beneficial occupation and shall be maintained at all times thereafter.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site.

The accompanying Design and Access Statement, provided by the applicant, sets out the background as to why the variation of condition is required. It is commented that recent developments in the motor industry and changes in the financial climate has resulted in the applicant examining various options for the continuation of the business at the site. The result is that the applicant has secured a contract as a Mitsubishi franchise for the area. Alongside the franchise, the element of the business that deals with servicing, repairs and the MOT testing facility would be retained.

As such, the applicant wishes to rationalise the parking layout at the site. At present the 8 spaces are arranged across the site, with 3 no. spaces along the north western side of the building, 4no. spaces adjacent to the forecourt sales area and 1 no. space at the south eastern side of the building.

The revised parking layout proposes that the 3 no. spaces along the north western side of the building be retained, with the remaining 5 being arranged in one group at the south eastern side of the building.

SITE APPRAISAL

The application property is a large commercial unit on Cwmbach Industrial Estate to the south west of Canal Road, Cwmbach. The building is sub-divided into a number separate units, Specialist Cars occupies the unit that fronts the service road and Canal Road. The ground floor of the property provides a show room area, with

offices at first floor. An open forecourt is located at the front of the building. There are a variety of industrial / commercial activities operating from neighbouring units in the vicinity of the site. AFG Engineering operate from the unit to the rear of the site, which is served by an access road that bounds the south eastern extent of the building. Redline Autos operate from the adjoining unit that fronts the highway. The estate is separated from Canal Road by a grass verge and the estate feeder road.

PLANNING HISTORY

Previous relevant planning history on this site is as follows:

13/1023	5 fascia signs (corrugated steel background with illuminated clips) 1 free standing double sided totem.	Pending
06/1844	Reduction of car sales area to omit 1st floor area and alteration of staff and customer parking area (amended description and plans received 28/11/2006)(additional amended plans received 17/01/07).	Granted with conditions 02/05/07
06/1306	Remove variation of condition 4 of 02/0716 - reduction of car sales area to omit first floor showroom, rearrangement of forecourt parking.	Withdrawn
02/0716	Change of Use of first floor to Car Showroom; provision of MOT Test facility; re-arrangement of forecourt parking; external alterations.	Granted with conditions 04/10/02
01/4373	Variation of condition to allow the retention of the development granted under consent no. 51/95/0351 without complying to conditions 2, 3 & 4 imposed on the planning permission	Withdrawn 14/10/02
01/4015	Variation of condition to alter position of customer/staff car parking spaces	Refused 14/08/2001
99/4269	Illuminated fascia and pole mounted signs	Granted with conditions 10/08/99
95/0351	Refurbishment of part of premises and retention of use as car sales showroom and parking area to front of premises	Granted with conditions 25/03/96

PUBLICITY

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

Redline Autos raise objection to the parking layout;

- They object to parking along the side road of their building. They comment that this is a communal access way and express concern that the parking arrangement would cause obstruction to both traffic and would obstruct entrances/ exists to the building.
- They suggest that if additional parking is required this should be provided on the grass verges that front the site.

A.F.G. Engineering raise an objection to the parking layout proposed;

- They suggest that Specialist Cars do not have sufficient visitor parking spaces, as these spaces are used for cars that are for sale.
- They comment that the proposed (new) parking spaces would encroach onto the boundary line of their access road.
- It is suggested that Specialist Cars are often in breach of planning conditions, attached to earlier consents.
- It is commented that they have no employee or customer parking and as a consequence park where they shouldn't.
- It is commented that Specialist Cars use the grass verge as an extension to their forecourt. They comment that this is both dangerous and unacceptable to taxpayers.
- It is commented that the Council have hatched the road junction fronting the premises and erected no parking signs, however cars are still parked in this area.
- It is commented that cars for sale are currently being displayed on the grass verge and traffic slows down to view them, which is dangerous. It is suggested a post and chain fence should have been erected to prevent this activity.
- It is commented that these activities and indiscriminate parking cause constant disruption with regard to delivery vehicles entering A.F.G. premises.
- It is commented that both access roads should be kept clear at all times.

The letter of objection is accompanied by the following:

- Various letters of correspondence between A.F.G. Engineering and the Council with reference to previous breaches of condition at the site
- Correspondence from A.F.G Engineering's suppliers stating that they have experienced difficulties in making deliveries to the site and that on occasion, deliveries have had to be re-scheduled.
- A number of photographs illustrating cars parked along the service road, vehicles parked on the grass verge which fronts the site, cars parked on the hatched area fronting the site.

CONSULTATION

Transportation Section – no objections raised, subject to a condition.

Public Health & Protection – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits.

Policy AW2 promotes development in sustainable locations.

Policy AW5 sets out criteria for new development in relation to amenity and accessibility.

Policy NSA12 sets out the criteria for development within and adjacent to settlement boundaries.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 8 (Transport), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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

This is an application made under Section 73 of the Town & Country Planning Act 1990 seeking variation of condition 2 of planning permission 06/1844. The condition in question relates to the implementation and retention of an agreed parking layout. Therefore, the key consideration in the determination of this application is whether the proposed revisions to approved parking layout, are acceptable and whether any adverse impact upon highway safety would result.

Highway Safety

The background to the application is set out in full above, however to summarise, following a development in the business at the site, by the securing of a Mitsubishi franchise, the applicant seeks to rationalise the parking layout within the site.

The current and approved parking layout illustrates 8 no. spaces grouped in three separate locations across the site. The current proposal seeks to improve the parking layout by creating two parking groups. 3 no. spaces would be retained in their current position along the north western boundary of the building. The remaining 5 no. spaces would be grouped together in one location, adjacent to the south eastern elevation of the building. It is important to note that the existing parking layout already accommodates 1 no. space in this location.

Given that the key issue in the determination of this application is that of highway safety, consultation has been undertaken with the Council's Transportation Section. Their response notes that the earlier condition and parking layout required the provision of 8 no. car parking spaces within the site. Having assessed the current proposal, they comment that the alternative-parking layout presented is acceptable in highway safety terms. The revised layout still provides the required level of provision, at 8 no. spaces, albeit in a slightly different location. As such, their response concludes that the proposed parking layout is acceptable and would not adversely impact upon highway safety in the vicinity of the site. However, a revised condition is recommended, which requires the revised car-parking layout be implemented within a given time frame and maintained as such thereafter.

Character and appearance

Since there are no physical adaptations to the building proposed, the physical appearance of the site would remain largely unaltered. It is noted that reference is made within the Design and Access Statement to the addition of new signage at the site; however this is currently being considered under a separate advertisement consent application (which appears elsewhere on this agenda app. Ref. 13/1023). Therefore, the proposed revisions to the parking layout would not adversely impact upon the character and appearance of the site.

Other Issues

The following other material considerations have been taken into account in considering the application.

Comments from neighbouring occupiers

As set out above, the property is located within an established industrial / commercial area, therefore, in assessing the revised parking layout, consideration has also been given to the potential impacts upon circulation within the site generally.

As set out above, representations have been received from the owners of businesses who trade from adjacent units. Both express concern that the proposed parking layout would adversely impact upon circulation around the units and would result in congestion and obstruction to access roads.

In response to these points, it must first be noted that no change is proposed to the 3 no. spaces which bound the north western elevation of the building; these would be retained in their current position. Secondly, the proposed group of 5 no. spaces would be located in a position where 1 no. approved space is already situated. The remaining 4 no. spaces would be located either side of this.

It is noted that the occupier of the unit to the rear of the site, expresses concern that on a number of occasions, large delivery vehicles have experienced difficulties in accessing his site, as a result of obstructions caused by parked vehicles. Whilst these concerns are noted, it is only possible to consider, through the course of this particular application, whether the parking layout currently presented is acceptable. Measurements taken on site indicate that a carriageway of 5.0 metres would be maintained following the provision of the proposed parking bays. Therefore, having considered the scheme presented, the Council's Transportation Section have confirmed that the position of the proposed parking bays would not result in obstruction of the access road to the south east of the unit.

Similarly, it is noted that the adjoining occupier expresses concern that vehicles are often parked on the grass verges that front the site. These concerns are noted, however, as stated above, the current planning application seeks only to deal with the revised parking layout that is proposed within the site. Since the land in question is controlled by the Council's Corporate Estates Section, this is matter that would require resolution outside of the planning process.

Finally, the adjoining occupier also makes reference to that fact that the applicant has previously been in breach of planning conditions, which were attached to earlier permissions. This point is acknowledged, however, it must be noted that there are currently no outstanding enforcement cases pending against the applicant.

Conclusion

Having taken account of all of the issues outlined above, it is considered that the revised parking layout is acceptable, and would not adversely impact upon highway safety in the vicinity of the site.

As such, the application is recommended for approval subject to the condition specified below.

RECOMMENDATION: Grant

1. Within 1 month of the date of this permission, the revised parking layout

shall be implemented in accordance within the approved plan dated 20th September 2013, which illustrates parking for 8 vehicles. Thereafter, the spaces shall be retained for the parking of vehicles, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety.

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APPLICATION NO:	13/0966/10	(LE)
APPLICANT:	Miss Garcia	
DEVELOPMENT:	Proposed two storey extension to rear of property, in addition to internal remodelling at ground and first floor level. Proposed construction of first floor habitable bedroom above existing ground floor garage.	
LOCATION:	11 ST ANNES COURT, TALYGARN, PONTYCLUN, CF72 9HH	
DATE REGISTERED:	24/09/2013	
ELECTORAL DIVISION:	Pontyclun	

RECOMMENDATION: Approve

REASONS:

The design and overall appearance of the development is considered acceptable and unlikely to have a harmful impact on the amenities of neighbouring properties. The planning application is considered to accord with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

Full planning permission is sought for the erection of a side extension at 11 St Annes Court, Talygarn, Pontyclun.

In detail the works comprise the erection of a first floor, side extension above an existing double garage at the property. To accommodate the first floor extension the existing ground floor garage would be extended to its rear north-western corner. This would create a more regular rectangular footprint that the first floor extension would be erected directly above. The extension at ground floor level would measure 1.6 metres by 3.5 metres. At first floor level the extension would have a width of 5.5

metres (maximum) and overall depth of 9.5 metres. The design of the extension would incorporate front and rear roof gables. The proposed rear gable would have a predominantly glazed appearance.

The extensions would allow the reconfiguration of the internal of the building, with an extended kitchen/dining room and utility room being created at ground floor level. The existing garage space would be reduced internally to accommodate the new utility room. At first floor level a new bedroom and en-suite would be created. It is detailed the extension would be finished in materials to match the existing building.

SITE APPRAISAL

The application property is a two-storey, large detached dwelling situated within a residential estate of Talygarn. The dwelling occupies a relatively flat and spacious plot that is accessed via a private road, off the main road through the estate. The dwelling has a facing brick work construction and a concrete tiled roof. There is a double garage positioned toward the western side of the main dwelling, with an area for off street parking to the front and an enclosed garden area to the rear. Beyond a mature boundary hedge and row of mature trees positioned toward the rear, north of the plot, is a pedestrian footpath. To the eastern side of the property is a further detached property. Positioned toward the western side of the application site are two residential properties (nos 9 and 10 St Annes Court). These neighbouring properties are set at an angle with the application dwelling with their front elevations facing away from the application site. The rear garden areas of both neighbouring properties abut the western side of the application property, with boundary fencing and planting defining the boundaries between the plots. The neighbouring plots to the west are set on a marginally higher ground level than the application site. The surrounding area is predominantly residential in character; neighbouring properties being modern, large detached dwellings with a number of them having been previously extended.

PLANNING HISTORY

13/0747	Ground floor extension to rear and first floor side extension	Withdrawn 05/09/13
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CONSULTATION

No further consultation undertaken (neighbour notification only).

PUBLICITY

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

One letter of objection has been received against the planning application from the occupier of no.9 St Annes Court, that is summarised as follows:

- Objections are raised owing to the detrimental impact the proposal would have on the residential amenity currently enjoyed by the owners of the neighbouring property.
- It is highlighted that the objector previously raised no representation against an earlier proposal for an extension at the site. This application was withdrawn by the applicant, although the likely impact of the earlier scheme was considered reasonable. This scheme would have continued the roof line of the existing property with similar fenestration arrangements.
- In comparison, whilst not against the principle of extending the property, the sheer bulk, mass and overbearing nature of the proposed extension is of concern.
- Given the rear gardens adjoin, the proposed gable roof height and design of the extension would be overbearing and create overshadowing of the neighbours garden area.
- The high brick walls of the extension and large glass window to the rear, would tower over the neighbouring property.
- The first floor window that extends into the roof gable would be prominent, obtrusive and cause overlooking of the neighbours garden area; obscured glass or blinds for the window would still not be appropriate.
- Such a large window within a bathroom/en-suite is unnecessary and unacceptable in terms of privacy levels for the objector and any occupants of the bathroom.
- The trees and hedges to the rear of the site are deciduous and therefore the rear window would be visible from other properties and the footpath to the rear of the site during certain periods of the year.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated outside the settlement boundary and is unallocated.

Policy AW5 - sets out criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

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 (PPW) Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) set 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.

The planning application represents a proposal to extend an established residential property within a residential estate, and although sited outside the settlement boundary, the principle of an extension to an existing property is supported in this instance. The main considerations in the determination of the application are therefore considered to be the impact of the development on the character and appearance of the locality and the impact on the amenity and privacy of neighbouring properties.

Main Issues:

Impact on the character and appearance of the locality

Positioned to the side of the property the proposed development would mark a visible addition to the existing street scene. The extension however, in the main, would be erected directly above an existing ground floor garage at the site that would only be marginally increased in size to accommodate the first floor extension. No part of the extension would project beyond the front elevation or ridgeline of the existing property. The external appearance of the extension, particularly the principal front elevation reflects that of the host dwelling, in terms of fenestration, finishes and detailing. It is acknowledged a gable projection with a significant level of glazing is proposed to the rear aspect of the extension, serving the first floor ensuite and associated bedroom. Nevertheless the gable feature would be set below the ridgeline of the main dwelling and would be in-keeping with the ridge height of the front gable feature to retain a symmetrical balance between these projecting features. Arguably such features would add a degree of visual interest and break-up the existing, relatively bland facade of the rear elevation of the property. Gable roof structures are also a common design feature of the wider estate and it is not considered an overly prominent or incongruous addition to the existing dwelling would be introduced as a result of the scheme. Overall, it is therefore considered the

proposed development would not have a detrimental impact on the character and appearance of the existing building or the surrounding locality.

Impact on the amenity and privacy of neighbouring properties

With regard to the amenity of surrounding residents, the proposed side extension would be sited above an existing, slightly enlarged double garage at the property. Whilst a relatively large addition that would be visible from the neighbouring properties, particularly the rear amenity space of adjacent properties situated to the west, on balance, the proposal is considered acceptable in this regard.

The enlargement of the existing ground floor garage structure represents a relatively modest, rear ground floor addition that would be screened from the nearest neighbouring properties by the high boundary fencing and planting separating the properties. It is acknowledged the first floor aspect of the extension is relatively large, and as earlier detailed has raised objections from the occupiers of the neighbouring property (no. 9 St Annes Court). The objections raised primarily relate to the scale and design of the extension, that incorporates a large feature window to its rear elevation, and the likely impact such a proposal would have on the levels of amenity currently enjoyed. However, the proposed extension would relate to a large existing property that is set within a relatively spacious curtilage. The height of the extension would not exceed the ridgeline of the existing property, would not project beyond the existing, maximum building lines of the property and would largely be erected above an existing ground floor structure.

The extension does incorporate a large glass window set within a rear gable feature. However, given the different orientation between the application building and adjacent neighbouring properties, coupled with the degree of offset between the buildings, the scheme is unlikely to have such an adverse impact on amenity levels currently enjoyed to justify refusal of the application. The rear window would also serve a bedroom en-suite and therefore is likely to incorporate a level of obscurity/means of screening that would further lessen any impact on the adjacent properties. Again, given the offset from the application building to the neighbouring dwelling buildings and large scale gardens, and when considered against the existing relationship between properties, it is unlikely that an adverse or unacceptable level of overshadowing or overbearing impact would be experienced by the occupiers of neighbouring properties as a result of the proposal.

Comments raised in relation to the increased visibility of the site at certain periods of the year, given the deciduous nature of the large trees positioned to the rear of the site, are also acknowledged, although not considered a reason to recommend refusal of the planning application. On balance, it is therefore considered the scheme would not have an unneighbourly or unduly harmful impact on existing levels of residential amenity enjoyed within the locality.

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:

Highway safety

The proposal would result in an increase in the number of bedrooms from four to five at the property, although appropriate off street parking facilities exist to the front of the dwelling, that are considered acceptable for the proposed dwelling.

Conclusion

The application is considered to accord with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and approval of the planning application is recommended.

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 extension shall match as near as possible the materials of the existing building.

Reason: To ensure that the extension 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.

3. 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;
- 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.

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APPLICATION NO:	13/0970/10	(MF)
APPLICANT:	Mr Adrian Williams	
DEVELOPMENT:	Retaining garden walls and steps (Retrospective)	
LOCATION:	66 PINECROFT AVENUE, CWMBACH, ABERDARE, CF44 0NB	
DATE REGISTERED:	24/10/2013	
ELECTORAL DIVISION:	Cwmbach	

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

Retrospective planning permission is sought for the retention of landscaping and associated retaining works within the rear amenity space of the application site. The garden has been cut and filled to three separate levels rising away from the dwelling which are each supported by concrete block retaining walls. Concrete block boundary walls have been erected at either side of the new terraced areas to a maximum of 1.9 metres in height to enclose the site.

SITE APPRAISAL

The application property is a semi-detached dwelling located within a residential area of Cwmbach. External materials are of facing brick, concrete roof tiles, and white uPVC windows and doors. Neighbouring properties within the street are all of a similar design and scale with several having examples of similar terraced rear gardens to that at the application site. The street falls from north to south with the adjacent property no. 68 sited at a higher ground level than the application site. However, the adjoining property no. 64 sited at the same ground level. The dwelling is set back from and at a higher ground level than the street with a garden area and driveway to the front. To the northern side is an integral garage. An enclosed terraced garden is located to the rear of the dwelling that has recently been landscaped as described above (the subject of this application).

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupiers of the adjacent property, 68 Pinecroft Avenue making the following comments (summarised):

- Concerned that the first section of boundary wall abutting the properties is unsafe.

CONSULTATION

Structural Engineer – no objection, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Cwmbach, but is not allocated for any specific purpose.

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 landscaping and associated retaining works and boundary treatments at an existing residential property and the principle of the development is therefore acceptable, subject to the criteria identified below.

Visual Impact

The works are in accordance with local plan policy. Their overall scale, design and appearance are generally in-keeping with similar garden terracing works in the area and it is considered the resulting features have actually improved the overall appearance of the naturally sloping garden area. Furthermore, with neighbouring properties benefiting from similar retaining wall structures and garden terraces, and the application site being relatively screened in nature given the topography of the site and surrounding locality, it is not considered the scheme has a significant impact upon the character and appearance of the existing property, the neighbouring properties, or the surrounding locality. However, it is considered a condition should be added to any approval requesting the applicant render both sides the boundary walls to improve their appearance and the visual impact they currently have upon the neighbouring properties.

Residential Amenity

The immediate neighbouring properties nos 64 and 68 Pinecroft Avenue are sited at the same and higher ground levels than the application site respectively. Both of these properties along with all other properties in the row have similar sloping/terraced rear garden areas to that at the application site which rise away from the dwellings. Taking into account the original ground levels of the site whereby a comparable degree of overlooking would have naturally occurred, and the fact that the neighbouring properties currently benefit from similar terraced gardens where a degree of overlooking impact occurs, it is not considered the terracing works materially harm the neighbours amenity to a degree that would warrant refusal of the application.

Other Issues

The objector has raised concerns relating to the structural soundness of the first section of boundary wall immediately abutting the dwellings. Following a visit to the site by the Council's Structural Engineer, it was noted that there are no strengthening piers located throughout the walls and theoretically piers should be sited at 2 to 3 metre centres to withstand any wind loading. The Structural Engineer has also noted given the scale and height of the walls and the relatively sheltered nature of the rear garden it is unlikely a significant degree of wind loading would occur at the site. However, it suggested a condition be added to any consent ensuring that suitable piers be installed throughout the boundary walls to ensure their safety.

Conclusion

It is not considered the works have an adverse impact on the character and appearance of the locality or have a significant enough impact upon the residential amenity of the surrounding neighbouring properties to warrant refusal of the application. As such, the application is considered to comply with the relevant policies of the Local Development Plan (policies AW5 and AW6).

RECOMMENDATION: Grant

1. Within 56 days of the date of this consent, both sides of the boundary walls to the northern, southern and rear boundaries of the site shall be rendered and painted in a colour details of which shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this consent.

Reason: To reduce the visual impact they have within the surrounding rear street scene in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

2. Within 56 days of the date of this consent suitable strengthening piers are to be built throughout the boundary walls to the northern, southern and rear boundaries of the rear of the site. Full structural details of which shall submitted to and approved by the Local Planning Authority within 28 days of the date of this consent.

Reason: To ensure the long term integrity of the boundary walls in the interest of public safety.

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APPLICATION NO:	13/1015/10	(EL)
APPLICANT:	Mr T Burton	
DEVELOPMENT:	Formation of three residential apartments from redundant office space at ground floor.	

LOCATION: U S M LTD, 1-2 CWRT BRENIN, MILL STREET,
PONTYPRIDD, CF37 2TS
DATE REGISTERED: 11/10/2013
ELECTORAL DIVISION: Town (Pontypridd)

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 redevelopment of the lower ground floor of the building for residential purposes is compatible with the area. The design of the conversion, the impact on residential amenity and potential impact on highway safety are also considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the conversion of the lower ground floor of Cwrt Brenin, Mill Street, Pontypridd from office accommodation to 3 independent units of residential accommodation.

The building is substantial property, being four storeys in height fronting Mill Street and three storeys in height fronting Rhondda Road. It is proposed that the lower ground floor of the property, which fronts Mill Street, be sub-divided to create three units of accommodation. The conversion would be undertaken within the footprint of the existing building, with the existing pattern of fenestration being retained, although the scheme involves minor adaptations to one entrance door and the formation of one additional window. Internally, three apartments would be formed along the length of the building, each benefiting from one-bedroom.

SITE APPRAISAL

The application site is a prominent building located on a wedged shaped plot on the junction of Mill Street and Rhondda Road. From Mill Street, the property is four storeys high; as a result of changes in level across the site, from Rhondda Road the property is three storeys high. The buildings that immediately adjoin the site are predominantly residential in character; however, the site lies close to Pontypridd town centre where a variety of commercial uses are located. Limited on-street parking is available in the vicinity of the site, with Millfield public car park being located opposite the site. The upper floors of the building have previously been converted to form a number of independent units of residential accommodation. At present, the lower ground floor of the property consists of office space.

PLANNING HISTORY

01/3030	Change of use from hotel to residential apartments	Granted with Conditions 18/01/02
00/2989	Change of use to direct access hostel and day facility	Refused 09/03/01
98/2888	Removal of conditions 2 and 4 of permission 89/0779	Granted 26/03/99
95/0546	Provision of dropped kerbs to gain access to hotel kitchen	Granted 13/12/95
89/0779	Conversion of building to hotel	Granted 16/01/90

PUBLICITY

The application was advertised by direct neighbour notification and site notices. No representations have been received.

CONSULTATION

Transportation Section – no objections raised.

Public Health & Protection – no objections raised, conditions recommended.

Land Reclamation & Drainage – no objections raised.

Natural Resources Wales - no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits.

Policy AW1 sets out the requirements for new housing development and the methods by which the provision of new housing will be met.

AW1.5 refers directly to the conversion of suitable structures to provide housing.

Policy AW2 promotes development in sustainable locations.

Policy AW5 sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 sets out the criteria for new development in terms of design and place-making.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 8 (Transport) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 development

Cwrt Brenin, is a prominent building located within settlement limits and close to Pontypridd town centre. As the site lies just outside of the town centre, the properties, which immediately adjoin the site are predominantly residential in character. However, the site is within walking distance of the town centre where a range of services and facilities are available. The building is also located within walking distance of both the train and bus station and therefore represents a sustainable location. It is acknowledged that the proposed conversion would represent the loss of Class B1 office space, however, the applicant has illustrated that the property has been marketed, without success, for a period in excess of 12 months. Therefore, given its location and the fact that the building layout lends itself to conversion, without significant external alterations; it is considered that the proposed re-use of the lower ground floor of the building for residential purposes would be compatible with surrounding land uses and therefore acceptable in principle.

Character and appearance

It must first be noted that, whilst the building is not listed and does not benefit from any formal designation, it represents a prominent feature in the street scene. Therefore, the current scheme, which seeks to convert the lower ground floor of the building, presents an opportunity to provide a continued use for the whole of the building.

The proposed conversion would be undertaken within the fabric of the existing building, with no increase in the footprint of the building being proposed. It is also noted that the existing pattern of fenestration would be retained, with only minor adaptations to allow for the formation of an additional window and re-configuration of an entrance door. As a result, there would be little change to the external appearance of the property when viewed from Mill Street. Therefore, the development is considered to be in keeping with the character and appearance of the surrounding area, and, is in accordance with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As set out above, whilst the property is located close to Pontypridd town centre, the immediate area surrounding the site is predominantly residential; therefore, it is important that the privacy and amenity of existing neighbouring residents is safeguarded.

However, as set out above, very few external adaptations to the building are proposed. As a result of the topography of the site and the position of the building, all openings, which would serve the proposed apartments, are located within the southern elevation of the property. Since this elevations fronts Mill Street, the openings overlook only the highway and public car park to the far south (which is situated at a lower ground level). As such, it is not considered that the use of these spaces for residential purposes would result in any loss of privacy to neighbouring occupiers or compromise the levels of amenity that they currently enjoy. Therefore, the development is considered acceptable in this regard.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section.

It is acknowledged that the application does not include any provision of off-street car parking. However, the building itself extends to occupy the full extent of the plot; as such, there is no scope to provide any off-street car parking provision within the curtilage of the site. Consideration must also be given to the location of the building; the site is situated within 200 metres of the retail centre of Pontypridd and within walking distance of both the bus and train station. As such, the site may be regarded as a sustainable location. It is also worthwhile noting that when assessed against the Council's Supplementary Planning Guidance, the existing office use would generate a greater parking requirement than that of the proposed one-bedroom apartments. It is on this basis that the Council's Transportation Section have raised no objections to the planning application and it is not considered that the proposed conversion would result in an adverse impact upon highway safety in the vicinity of the site.

Other Matters

As detailed above, consultation has also been undertaken with the Council's Public Health & Protection Section. Their response raises no objections to the proposal, but recommends a condition, which requires the submission of a scheme for the acoustic insulation of the building. Whilst it is acknowledged that the site lies close to a busy road and nearby railway line, in this instance it is considered unreasonable to require these works be undertaken as part of the planning permission. This is particularly the case since, the upper floors of the building have already been converted and are occupied as residential apartments. Having reviewed the planning permission for this development, it is apparent that no conditions, requiring the submission of a similar scheme for the acoustic insulation of the building, were required as part of this permission.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, compatibility with existing uses, impact upon the amenities of existing residents and its potential impact upon highway safety. Therefore the proposal is recommended for approval, 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. The development hereby approved shall be carried out in accordance with the amended plans received by the Local Planning Authority on 14/11/2013.

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

3. The external materials of the proposed conversion, including any new windows and external doors shall match as near as possible those of the existing building, unless agreed otherwise in writing by the Local Planning Authority.

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.

4. 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.

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APPLICATION NO: 13/1023/01 (EL)
APPLICANT: Specialists Cars
DEVELOPMENT: 5 fascia signs (corrugated steel background with illuminated clips) 1 free standing double sided totem.
LOCATION: SANDPIPER A T, ENTERPRISE HOUSE, CWMBACH INDUSTRIAL ESTATE, CWMBACH, ABERDARE, CF44 0AE
DATE REGISTERED: 14/10/2013
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal is in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan and National Policy in that; the advertisement scheme is acceptable in terms of its impact upon highway safety and the visual amenity of the area.

APPLICATION DETAILS

Advertisement consent is sought for the erection of a replacement signage scheme at Enterprise House, Cwmbach Industrial Estate, Cwmbach. The site currently trades as 'Specialist Cars'; however, having secured a Mitsubishi franchise, an updated signage scheme is required.

The scheme comprises;

Sign A: Illuminated fascia sign with logo and text reading 'Mitsubishi Motors'. The sign would be silver/grey in colour with black text and red logo. The fascia would measure 5.057m in length and 1.080m in height and would be mounted to the south east side elevation.

Sign B: Illuminated fascia sign with logo and text reading 'Mitsubishi Motors & Specialist Cars'. The sign would be silver/grey in colour with black text and red logo. The fascia would measure 14.0m in length and 1.080m in height and would be mounted to the north east front elevation.

Sign C: Illuminated fascia sign with logo and text reading 'Mitsubishi Motors'. The sign would be silver/grey in colour with black text and red logo. The fascia would measure 5.057m in length and 1.080m in height and would be mounted to the north west (front) return elevation (overlooking the forecourt).

Sign D: Illuminated fascia sign with logo and text reading 'Service'. The sign would be silver/grey in colour with black text and red logo. The fascia would measure 5.058m in length and 1.080m in height and would be mounted to the north east front elevation.

Sign E: Illuminated fascia sign with logo and text reading 'Mitsubishi Motors'. The sign would be silver/grey in colour with black text and red logo. The fascia would measure 5.057m in length and 1.080m in height and would be mounted to the north west side elevation.

Sign F: Free-standing illuminated totem sign. This would be positioned within the forecourt area, close the site frontage. It would measure 5.6 metres in height and 1.76 metres in width, with a depth of 0.49 metres. The sign would be silver/grey in colour with black text reading 'Mitsubishi Motors' and red logo.

SITE APPRAISAL

The application property is a large commercial unit on the Cwmbach Industrial Estate to the south west of Canal Road, Cwmbach. The building is sub-divided into a number separate units, Specialist Cars occupies the unit that fronts the service road and Canal Road. The ground floor of the property provides a show room area, with offices at first floor. An open forecourt is located at the front of the building. There are a variety of industrial / commercial activities operating from neighbouring units in the vicinity of the site. AFG Engineering operate from the unit to the rear of the site, which is served by an access road that bounds the south eastern extent of the building. Redline Autos operate from the adjoining unit that fronts the highway. The estate is separated from Canal Road by a grass verge and the estate feeder road.

PLANNING HISTORY

Previous relevant planning history on this site is as follows:

13/0953	Variation of condition 2 (planning approval 06/1844) to provide revised car parking layout.	Pending
06/1844	Reduction of car sales area to omit 1st floor area and alteration of staff and customer parking area (amended description and plans received 28/11/2006)(additional amended plans received 17/01/07).	Granted with conditions 02/05/07
06/1306	Remove variation of condition 4 of 02/0716 - reduction of car sales area to omit first floor showroom, rearrangement of forecourt parking.	Withdrawn
02/0716	Change of Use of first floor to Car Showroom; provision of MOT Test facility; re-arrangement of forecourt parking; external alterations.	Granted with conditions 04/10/02
01/4373	Variation of condition to allow the retention of the development granted under consent no. 51/95/0351 without complying to conditions 2, 3 & 4 imposed on the planning permission	Withdrawn 14/10/02
01/4015	Variation of condition to alter position of customer/staff car parking spaces	Refused 14/08/2001
99/4269	Illuminated fascia and pole mounted signs	Granted with conditions 10/08/99
95/0351	Refurbishment of part of premises and retention of use as car sales showroom and parking area to front of premises	Granted with conditions 25/03/96

PUBLICITY

The application was advertised by direct neighbour notification and site notice. No representations have been received to date.

CONSULTATION

Transportation Section – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits.

AW5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place making.

AW6.4: In the case of proposals for new and replacement shop fronts and signage, they should make a positive contribution to the street scene.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted Planning Policy Wales Technical Advice Note 7: Outdoor Advertisement Control.

REASONS FOR REACHING THE RECOMMENDATION

Part 1 4. (1)) of the Town and Country Planning (Control of Advertisements) Regulations 1992 requires that in considering applications for the display of advertisements, Local Planning Authorities shall exercise their powers only in the interests of amenity and public safety.

Therefore, in considering and determining applications of this nature, the primary considerations are the effect on the visual amenity of the area, taking account of any historic, architectural or cultural features and on public safety including, the safety of any person travelling by road, rail, on any waterway, or by air.

Main Issues

Impact on the visual amenity of the area

The application seeks consent for a signage scheme at an established commercial unit, which comprises of various fascia signs and a free-standing totem. These signs will sign carry the name of the garage dealership and would be illuminated. As a result of their siting and purpose, the advertisements will obviously form prominent features in the street scene, fronting Canal Road, which is the main road through Cwmbach. However, generally, the design and scale of the lettering and logos, which form part of the signs are considered appropriate, being well related to the proportions of the building and existing fascia signage. All fascia signs would be mounted at the same level and would be fixed to a cladding panel, which would span the elevations that form the showroom and service access at the front of the building. As such, there would be a visual continuity between each of the signs.

As set out above, the building is an established commercial premises, which is located within a small industrial estate. As such, the immediate area and site setting

is commercial in character; with neighbouring units also benefiting from their own advertisement schemes. As such, it is considered that the scheme is acceptable and would not result in the formation of overly prominent features, which would be harmful to either the character of the building or the immediate area.

Access and highway safety

In order to aid in the assessment of the proposal upon highway safety, consultation has also been undertaken with the Council's Transportation Section. Their assessment acknowledges that the proposed totem sign would be positioned within an area that is in use as the car sales forecourt. However, its proposed position would not impact upon the visitor car parking areas, which are required by condition 2 of an earlier planning approval (*the revisions to the approved visitor car parking layout are to be considered under a separate application ref 13/0953 which appears elsewhere on this agenda*). On this basis and given that signs of this nature are located on the business forecourts of neighbouring units across the wider Cwmbach Industrial Estate, no objections have been raised by the Council's Transportation Section. However, a condition is recommended which would require the proposed totem sign to be set back by a minimum of 450mm from the edge of the carriageway. This condition is required to allow for the potential overhang of vehicles using the adjacent carriageway.

Conclusion

Having assessed the scheme it is considered that the proposal is acceptable, both in terms of its impact upon the appearance of the existing building, wider area and upon highway safety. As such, the application is recommended for approval subject to the conditions set out 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. The totem sign, identified as sign F on the approved plans, shall be sited a minimum of 450mm from the edge of the carriageway.

Reason: In the interests of highway safety.

3. This consent shall expire five years from the date of this Notice.

Reason: Standard condition under the provisions of the above mentioned Regulations.

4. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned Regulations.

6. Where an advertisement is required under the above mentioned Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

7. No advert is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: Standard condition under the provisions of the above mentioned Regulations.

8. Any existing advertisements on the premises shall be permanently removed prior to the display of the advertisements hereby approved.

Reason: To avoid visual clutter.

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APPLICATION NO:	13/1037/12 (MF)
APPLICANT:	Networks By Wireless Ltd
DEVELOPMENT:	A non-penetrating communications antenna and support frame at the western end of the crematorium building. A single data cable installed within tiling and/ or flashing across the roof to the northern face of the building. A wall mounted equipment cabinet installed within the building.
LOCATION:	LLWYDCOED CREMATORIUM, CREMATORIUM ROAD, LLWYDCOED, ABERDARE, CF44 0DJ
DATE REGISTERED:	14/10/2013
ELECTORAL DIVISION:	Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development and the impact it has upon the character and appearance of the listed building.

APPLICATION DETAILS

Listed Building consent is sought for the installation of a telecommunications antenna and associated cabling and equipment cabinet at Llwydcoed Crematorium, Llwydcoed.

Whilst it is acknowledged that the proposed works fall within the permitted development parameters deemed consent by Part 25 of the Town and Country Planning (General Permitted Development) Order 1995, it is considered that the antenna and associated cabling and equipment box would affect the character of the Listed Building and therefore requires Listed Building consent.

The proposed equipment consists of a small antenna measuring 198mm in height, 192mm in width and 100mm in depth upon a steel, non-penetrating roof mount 1.33 metres in height. The antenna and mount would be sited upon an area of flat roof to the western elevation of the crematorium building in order to be concealed from wider view behind a triangular section of the wider roof design.

In addition to the antenna and its support, there is to be a length of cabling, most of which is to be concealed under the tiles or roof flashings until it comes off the roof and down the side of the buildings northern elevation. The latter stretch of cabling would be painted white to blend in with the rest of the building and will use an existing point of entry to the building through a office window. A small grey, glass fronted cabinet measuring 600mm in height, 600mm in width, and 550mm in depth will be installed upon the wall of this office to house equipment in connection with the antenna.

The antenna and its associated equipment are required at the building in order to wirelessly connect the main site office with the crematorium chapel office and the wider Council communications network in a cost effective and secure manner, and so deliver the required throughput/ service which is currently unavailable.

Due to the geographic location of the two buildings there is no local fixed line option available to deliver the requisite amount of bandwidth between the sites, nor would connecting the two sites together via fixed wires be an option as it would involve a considerable amount of physical works to the listed building; be expensive; and result in undue disruption to both sites.

The application is accompanied by the following:

- Planning and Heritage Statement.

SITE APPRAISAL

The site is located between Llwydcoed and Merthyr on a minor road off the A465. The building is situated on the southern slope of a hillside and set within extensive grounds.

The building itself is formed of four asymmetrical main blocks with steep slate roofs which are arranged back-to-back to form a fractured pyramid. The building consists of 3 chapels and the crematorium block which are all linked together by covered courtyards. Materials are white roughcast walls on natural stone plinths, Ffestiniog slate roof tiles, pine boarding on external canopies and natural paving to courtyards.

Internally, the building is characterised by roughcast walls with natural stone plinths and flooring with pine boarded ceilings.

The crematorium building was constructed in 1970 and was the recipient of a Royal Institute of British Architects (RIBA) award in 1971. The award praised the buildings use of *“indigenous materials”*, its *“appropriate and sensitive choice of finishes”*, as well the *“steep roof pitches that echo the shape of the local landscape”* and the way that the building is *“fully conceived in three dimensions: plan and section lock it to the ground and the sky”*.

More recently, in March 2007, the building was listed (Grade II*) *“as an arresting complex of chapels and crematory, with a refined use of simple materials and a fine handling of a complex asymmetrical plan with a subtle relationship between the interior spaces and the semi-open spaces of the courtyards”*. The listing concludes that the building is *“an excellent example of expressionist modernism”*.

PLANNING HISTORY

Planning applications submitted within the last 10 years include:

07/1116	Llwydcoed Crematorium, Crematorium Road, Llwydcoed, Aberdare	Replacement of pitched/ flat roof as like for like. Internal changes to Chapels 1 and 2. Extension to Chapel 2	GTD 18/02/08
05/0671		Change of use from staff dwelling to offices, new disabled access and provision of car parking	GTD 01/07/05

PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices and a press notice. No representations have been received.

CONSULTATION

Glamorgan Gwent Archaeological Trust – no objections.

Ancient Monument Society – no response received within the statutory consultation period.

Council for British Archaeology Wales/ Cymru – no response received within the statutory consultation period.

The Georgian Group – no response received within the statutory consultation period.

Royal Commission for Ancient and Historic Monuments for Wales – no response received within the statutory consultation period.

The Twentieth Century Society – no response received within the statutory consultation period.

The Society for the Protection of Ancient Buildings – no response received within the statutory consultation period.

The Victorian Society – no response received within the statutory consultation period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside the settlement boundary for Aberdare and is sited within the Brecon Beacons Edge at Llwydcoed Special Landscape Area.

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 AW7 – identifies that proposal which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

Policy NSA 25 – requires that development within the defined Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

NSA 25.9 – identifies that the application site is within the Brecon Beacons Edge at Llwydcoed Special Landscape Area.

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 Chapters 4 (Planning for Sustainability) and 6 (Conserving the Historic Environment) set 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.

PPW Technical Advice Note 19: Telecommunications

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 installation of a telecommunications antenna and associated works to an existing listed building. The principle of the development is therefore acceptable, subject to the criteria identified below.

The works proposed to the building would have an affect on both its external appearance and internal arrangement and it is these alterations to the character of the building, which form the main consideration in the determination of the application.

Impact upon the Character and Appearance of the Listed Building

In terms of the special architectural character of the building, it is clearly recognised via the listing that this building is considered as a fine example of modernist architecture. The use of simple materials and clean lines in both the building and in

particular, its roof, provides the building with a bold architectural style that is an appropriate marriage of form and function. The building is characterised by its steep roof pitches and the inward facing blocks are thought to reflect the essentially introverted character of a crematorium building. Internally, the buildings are less memorable, but are characterised by spacious interiors lit by high windows within the striking roof structure.

The erection of the antenna and support mast represents a very minor alteration to the existing roof of the building. Using the roof profiles, the antenna would be sited in an unobtrusive position where it is almost entirely screened from view and will not affect the main part of the listed structure, in particular, its steep roof pitches or complex asymmetrical plan. The antenna would stand upon a non-penetrating roof mount which would not impact upon or damage the buildings structure in any way. Furthermore, given the non-penetrative nature of the structure, in future, were it to be no longer needed, the mount could be removed without harm to building. It is therefore considered the applicant has been mindful of the historic building as well as its setting within a Special Landscape Area. Consequently, it is not considered the antenna and mount would have a detrimental impact upon the character and appearance of the roof which is a particularly striking and important element of the character of building.

The cabling is to be conducted across the flat roof being concealed where possible under the tiles and flashings. Essentially, the cabling will only be visible for a short stretch where it comes off the roof and travels down to the window on the buildings northern elevation. This stretch of cabling will be painted white to mask it from view and it is therefore considered that this aspect of the scheme would have no detrimental impact upon the character and appearance of the building.

In relation to the interior works, a small cabinet would be installed within an existing equipment cabin which is sited in an office room that has no particular features of historic or architectural interest. Consequently, it is considered this element of the proposal is also acceptable.

Other Issues

It is noted that no comments have been received from the consultees in relation to the impact of the proposals on the special architectural character or historical interest of the building, which is the only material consideration in the determination of the application.

Within the Planning and Heritage Statement the applicant has highlighted that there is an urgent need to deliver cost effective high speed bandwidth for the Council's own use. There is broad national policy support for development which strengthens telecommunications connectivity. Improving infrastructure provision, particularly in less urbanised areas is one of the main aims of Technical Advice Note 19: Telecommunications.

Conclusion

It is considered that in designing the proposed antenna and its associated equipment the applicant has been mindful of the historic building as well as its landscape setting. In siting the proposed antenna, a part of the building has been selected that is unobtrusive, does not affect the main part of the listed structure, in particular its distinctive steep roof pitches or asymmetric plan form, and will not be seen from strategic viewpoints. Where possible any external cabling will be run under the existing tiles/ flashings or will be painted white to mask it from view, and the internal works are minimal.

In conclusion, there would be no loss of original material or any alterations to the buildings plan form arising from the proposal. It is therefore considered that the application is acceptable and fulfils the principles of both local plan policy and national guidance in terms of the statutory duty to preserve and/ or enhance listed buildings and it is considered that listed building consent should be granted subject to the condition specified below and the required consultation with the Welsh Government.

Consequently, should Members be minded to grant the application, it is recommended that delegated powers be granted to the Service Director Planning subject to a satisfactory referral to the Welsh Government. Should the Welsh Government decide to refuse the scheme then the application would be reported back to the next available meeting of Development Control Committee.

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.

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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

5 DECEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 425004)**

See Relevant Application File

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