

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
19 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.11/0886 - Demolition of former school building (Conservation Area Consent), Blaenrhondda Primary School, Brook Street, Blaenrhondda, Treherbert, Treorchy.
2. Application No.11/0872 - Proposed residential development (Amended plans received 28 Nov 2012), The former Infants School, Cross Brook Street, Blaenrhondda.
3. Application No.13/0547 - Demolition of existing buildings and redevelopment to provide a Lidl food store with associated car parking, access and servicing (revised site boundary received 20/11/2013), Rhondda Cynon Taf CBC, Millfield Depot, Rhondda Road, Pontypridd.
4. Application No.13/0624 - T8 Oak - trim back branches, T9 Alder trim back branches, T1 Alder reduce to crown and T2 - T7 thin out Alder/Hazel trees. Remove 2 and trim back others, 5 Rowan Gardens, Church Village, Pontypridd.
5. Application No.13/0653 - Construction of one pair of semi detached houses, land opposite No's 6 To 8 Union Street, Trecynon, Aberdare.
6. Application No.13/0922 - Demolition of existing derelict working mens club and re-landscaping site to accommodate residential development, Clydach Vale Working mens Club, Howard Street, Clydach, Tonypany.
7. Application No.13/0929 - 1 no. Bungalow (re-plan of application 11/1423/10 allowed at appeal 2185616) and associated works, former School, Brithweunydd Road, Trealaw, Tonypany.

8. Application No.13/0991 - Change of Use and conversion of Block A and Block B, and part of Block D, into 17 Self Contained Units comprising internal and external alterations, and associated works (Listed Building Consent), Blocks A & B Coed Y Lan Comprehensive Upper School, Tyfica Road, Graigwen, Pontypridd.
9. Application No.13/1005 - Two storey rear extension and replace existing garage, 78 Cardiff Road, Hawthorn, Pontypridd.
10. Application No.13/1024 - Detached dormer bungalow and granny annex with off road parking, land to the rear of Gwendoline Terrace, Abercynon, Mountain Ash.
11. Application No.13/1063 - Construction of 1 pair of semi detached dwellings (consisting of two, 3 bedroom properties), Land adjacent to 49 Gwernllwyn Terrace, Tylorstown, Ferndale.
12. Application No.13/1099 - Diversion of Watercourse and Extension of Garden, 1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 11/0886/20 (GW)
APPLICANT: MJP Investments
DEVELOPMENT: Demolition of former school building (Conservation Area Consent)
LOCATION: THE FORMER INFANTS SCHOOL, CROSS BROOK STREET, BLAENRHONDDA, CF42 5SB.
DATE REGISTERED: 22/08/2011
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: Approve

REASONS:

It is apparent the structural condition of the former school is visibly poor and the applicant's structural report details that the buildings walls cannot be stabilised, and thus restored, for health and safety reasons. The applicant has also provided evidence that an alternative buyer or viable scheme has not come forward and that this would be unlikely in the future. The proposed redevelopment scheme as detailed in the related planning application (11/0872) is considered acceptable.

APPLICATION DETAILS

Conservation Area consent is sought for the demolition of the former infants school in Blaenrhondda. A full application (11/0872) for the redevelopment of the site for residential development, follows this item on the agenda. The submitted plan for this application indicates that only the school building would be demolished. However it should be noted the bridge to the site would also be removed as detailed in application 11/0872.

Members will be aware that previously applications for the demolition of the school and the redevelopment of the site for residential (08/1633 & 08/1642) were refused and a subsequent appeal dismissed. The Inspector dismissed the appeal as he was, "not satisfied that the potential avenues to find an alternative use and user, if not owner, able to save the building have been adequately explored as Circular 61/96 requires". Furthermore, "that the proposed replacement scheme would neither preserve nor enhance the character or appearance of the conservation area or offer significant community benefits which might outweigh that view".

The application is accompanied by the following:

Structural Survey - This application includes an updated structural survey dated September 2011 and completed by Shear design (Consulting Civil and Structural

Engineers). This states that since October 2008 the site has been secured by the Council, due to continuing vandalism and its dangerous condition. They state that the report is based on a visual inspection and no intrusive investigations have been carried out. Its findings are summarised below:

It concludes that the majority of the roof structure has collapsed or is severely burnt/charred with elements of roof timbers in a precarious condition. Some roof collapse has caused localised areas of masonry collapse. Further roof collapse would lead to further instability of perimeter and internal walls. The structure is open to further deterioration by poor weather conditions. It is stated, since October 2008 it is evident that deterioration of the walls in the majority of places with further cracking becoming visible between mortar joints and opening up from the exposure to water and frost penetration has taken place. They state it is their opinion that the ongoing deterioration of the existing un-restrained walls and partial roof structure will almost certainly cause the collapse in part of whole at any time by a sequence of events such as high wind pressures or severe rains storm, or a heavy frost event.

The report also assesses the potential for re-use of the building. It is stated, as detailed in the October 2008 report, that there would be an unacceptable risk in trying to stabilise the remaining walls based on Construction Design and Management (CDM) health and safety legislation. They further state as the condition of the remaining structure has visually worsened since October 2008, it is their opinion that the building is beyond repair/refurbishment and should be demolished. They conclude the demolished materials could be re-used as part of a redevelopment.

Marketing Statement - A marketing statement by Jones Battye and dated 21st November 2012 has been submitted. This details the property has been marketed since November 2011 by way of sales board, web site and direct marketing. This includes two letters sent to Fernhill Conservation Group, advising them the property is for sale. It is detailed that no response was received to the letters. The report concludes the likelihood of a sale is slim and the market for such a property in its location has disappeared. It further details although the current economic recession may end soon the likelihood of a sale of this property in the near future would still remain slim because of its location.

Bat Survey - A bat survey, which also looks at the potential for barn owls, has been submitted as part of the application. This is dated 6th January 2008 and is the same survey that was submitted with previous applications. It concludes that due to the condition of the building all potential bat roosts have been eradicated, that there is no evidence of any wildlife within the structure and there is no possibility that bats or barn owls will return here, as the building is completely unsuitable as a roosting or nesting site. In addition a recent visual assessment (taking account of the original bat report) has been carried out by the applicant's agent. A summary of the assessment was submitted on the 23 November 2012. This details that further damage has occurred to the building and that there is no further evidence of wildlife within its structure.

SITE APPRAISAL

The site is located within the Blaenrhondda Conservation Area that was designated in 1975. The purpose of this designation is to preserve and enhance the character and appearance of the area that is deemed to be of special architectural or historic interest. Members should note the school has suffered considerable recent fire damage, which has resulted in damage or loss to some of the features detailed below.

Blaenrhondda School was opened in 1882 and it is unknown when the school closed. It is positioned on the western boundary of the Conservation Area to the south west of Brook Street. The architecture is typical of schools from this period. Large gable ends punctuated with tall windows (usually in sets of three) dominate each elevation. The large hipped roof with deep valleys cover a complex of original extensions. Raised on a plinth with blue brick detailing the squared stonework rises up to eaves level, where simple bargeboards terminate the wall.

The original materials used in the school building match that of the later buildings constructed on Brook Street. The introduction of buff and red brick is used for the architectural detailing. Quoin work, stringcourses, window reveals with header arches and piers are all in coloured brickwork. The former windows are of timber sash with multi-paned fenestration and are typical of 19th Century schools, however many of these are now boarded up.

A stone bell cote is located at the north end of the building, facing east and overlooks the entrance to the school. The void in which the bell once hung is visible and this feature has a slated roof.

Modern flat roof extensions have been added and the original floor plan of the school has been eroded over time.

The site faces northeast into Brook Street and the rear backs on to the banks of the river Rhondda. It is accessed via an iron road bridge with stone piers capped with an attractive pyramid capping stone and iron railings. Although the iron bridge is in a poor state of repair the stonework that continues around the site, in the form of low and high walls, is mainly intact and in good condition. The lower walls are located to the rear of Brook Street while the taller structures are positioned to the west of the site.

In the wider context the southwest, steep sloping side of Blaenrhondda Mountain constrains the streetscape while the larger more gentle slopes of the Ystradffernol and Tynewydd Mountains move away to the north. The site is highly visible from these outlying areas and as such it can be easily seen and thus understood how the school fits into the historical streetscape.

PLANNING HISTORY

11/0872	The Former Infant School, Cross Brook Street, Blaenrhondda	Proposed residential development	Pending
08/1642	Former Primary School, Brook Street, Blaenrhondda	Development of a residential scheme comprising a 2-storey terrace of 4 No.3 bed houses, 4 No.2 bed apartments and 8 No.1 bed apartments plus associated parking, amenity space and new bridge.	Refused 03/08/09 Appeal: Dismissed 16/02/10
08/1633	Former Primary School, Brook Street, Blaenrhondda	Conservation Area consent for the demolition of former infants school.	Refused 03/08/09 Appeal: Dismissed 16/02/10
08/0913	The Former Infants School, Cross Brook Street, Blaenrhondda	Demolition of existing dilapidated school building - Application for Conservation Area Consent	Withdrawn 30/07/08
08/0247	Blaenrhondda Primary School, Brook Street, Blaenrhondda	Conservation area consent for demolition of former infant school	Withdrawn 30/05/08
08/0242	Blaenrhondda Primary School, Brook Street, Blaenrhondda	Demolition of former school and replacement with residential 2 storey terrace of 4x4 bed houses, 4x2 bed apartments and 8x1 bed apartments, plus associated parking and amenity space (Outline).	Withdrawn 30/05/08

PUBLICITY

The application has been advertised via direct neighbour notification and site notice. Originally 221 letters of objection were received and their comments are summarised below:

1. This school building is the last landmark building still standing in the Conservation Area.

2. It is not in such a dangerous state as it warrants total demolition. In fact only small areas of wall require replacement to maintain structural integrity.
3. The applicant has refused to be responsible for the buildings security and post safety notices. He has contributed to its present state.
4. The dilapidation of the building is as a result of the applicant's failure to provide adequate protection to the building. The Structural survey is biased, exaggerated and based on insufficient data. The inspector states he did not enter the building and cannot comment. Much of the building is still in good condition and there are very few "unrestrained walls. Many of the existing cracks are historical and have resulted many years ago.
5. The building is capable of being sympathetically restored to its former glory.
6. Since the rejected appeal the applicant has made no attempt to liaise with the local residents to agree an acceptable alternative community use other than quote an exorbitant selling price of £250,000 and a completion within 6 months. An estate agents off-the-cuff estimate obtained was £80,000 maximum taking the condition of the building into consideration.
7. The loss of the school would have a detrimental effect of the future of the village, which is in a deprived area.
8. The conservation groups' proposal for the reuse would be an inspiration, regenerating the area through its sustainable use, instilling the community with a sense of accomplishment.

In addition, a document has been submitted highlighting potential uses and users for the existing building. These include a visitor/community/tourist centre, a café, use by local groups and organisations and business uses.

Following changes to the proposal the application was re-advertised. A total of 255 pro forma letters and 2 further letters including one from the Fernhill Rhondda Conservation Group have been received reiterating points 1 to 7 above in relation to this application.

CONSULTATION

Countryside, Landscape and Ecology - the submitted bat survey is still valid. Any new sitings since then will need to be looked at. The provision of bat/barn owl boxes in any proposal would be a biodiversity benefit.

Structural Engineer - no objection. Details appear adequate.

Victorian Society - no comments at the time of writing this report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and is unallocated. It is also identified as being within Blaenrhondda Conservation Area.

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

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

Policy AW10 protects the environment from pollution.

Policy NSA5 allocates land at the former Fernhill Colliery site for the construction of between 350 and 400 dwellings, a local retail centre and informal recreation contained in a countryside setting.

Supplementary Planning Guidance - The Historic Built Environment (2011) provides detailed guidance regarding land and buildings within the historic built environment including, listed buildings and conservation areas.

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 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 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), Chapter 12 (Infrastructure and Services) and 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 2: Planning and Affordable Housing;

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
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 22: Sustainable Buildings;
Manual for Streets

Welsh Office Circular 61/96

Para. 33 - The general presumption should be in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

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:

Demolition of unlisted buildings in conservation areas requires 'Conservation Area Consent'. Policy and guidance on dealing with such applications is contained within Planning Policy Wales, the Rhondda Cynon Taf Local Development Plan and Welsh Office Circular 61/96. All of which conclude, that there is a general presumption in favour of retaining buildings which make a positive contribution to the character of the conservation area. Notwithstanding the current condition of the school building, historically it has clearly contributed strongly to the character of Blaenrhondda. Where demolition is proposed the guidance details there are several tests which should be applied. These are summarised and assessed below. Further issues of importance in the determination of this application include: community benefit, Environment Impact Assessment and the impact on protected species.

Tests:

(i) The building's contribution to local character and its current condition; the cost of repair in relation to its importance and the value derived from continued use.

The school building has historically made a strong contribution to the character of the local area. Architecturally, it is a classic example of a late Victorian school, in a simple gothic style with tall gables and windows. Built of stone with brick dressings, originally it would have been a building of some attraction, in a rather beautiful setting.

Following the cessation of the school at the site, it has entered a period of decline and is now in a poor condition. It could be argued that, because of this, the building's contribution to local character is not what it once was. However, it is clear that a full restoration of the existing building would be the most desirable option from the point of view of the Conservation Area.

A visual inspection shows clearly that the current building is in a dangerous state of repair, following repeated acts of vandalism and arson, and subsequent years of being exposed to the elements. A structural report, submitted with the application, highlights the building is deteriorating and this would continue until the building would eventually collapse. It further states that due to Health and Safety risks the building cannot be restored. The Council's own Structural Engineer is also of the opinion that the details in the structural report are adequate. Notwithstanding this, letters have been submitted from objectors including the Fernhill Rhondda Conservation Group disputing the findings of the structural report. Photographs have been submitted attempting to detail that the building has not significantly deteriorated further since 2008. In assessing this issue the structural report was carried out by a qualified Civil Engineer and the Council's Structural Engineer's comments back the reports findings. These conclude that repair in situ does not seem a viable option due to health and safety issues involved. Based on these qualified consultation comments it would therefore be difficult to dispute this.

In terms of cost of repair, as in the previous application, no figures have been submitted. As detailed in the inspector's report for the previous appeal, no mention of whether any insurance cover for repairing the building has been provided. Furthermore it is considered that in the current poor economic climate, the likelihood of a viable scheme of repair has also reduced.

(ii) Efforts made to retain the building's use or an alternative use

The Inspectors comments highlighted that "I am not satisfied that the potential avenues to find an alternative use and user, if not owner, able to save the building have been adequately explored as Circular 61/96 requires".

Clearly the building does not have an existing use, and its previous use as a school is no longer an option due to the modern school being built nearby to replace it. This test also includes the offering of the freehold of the site on the open market, and

whether suitable marketing of the site has taken place. There was some evidence with the previous applications in 2008, that marketing had taken place on a commercial basis involving possible retail, industrial office, hotels and nursing homes uses without generating any direct interest. Some interest for residential use was generated for a perceived shortfall in affordable housing. Since the previous refusal and dismissal of the subsequent appeal the applicant has commissioned a marketing exercise over a period of approximately a year by Jones Battye. As detailed above this has not generated a positive response and their qualified opinion is that any interest in the near future would be slim due to the site's location.

In the Inspector's report for the previous appeal, significant weight was placed on other schemes, such as that put forward by the Fernhill Rhondda Conservation Group (F.R.C.G). They have ambitions for the use of the site as a tourist/visitor/recreation centre and for other uses by local groups and business. This type of scheme was put forward in the previous applications and the Inspector for the appeal noted these schemes as potentially a viable route for retention of the building although no apparent viable scheme was in place. Whilst these projects would most likely be wholly supportable, there is no evidence to support that funding is available for such a proposal and these schemes have not progressed significantly further.

In summing up this issue the applicant has provided evidence to show that they have contacted F.R.C.G. directly; giving them an opportunity to potentially buy the site and progress an alternative scheme. However Jones Battye detail that no response was received from their letters. Members are advised that currently there is no evidence that such an alternative scheme from the F.R.C.G. is currently viable.

(iii) The merits of the alternative proposal

Members should note that in considering the consent for demolition Government guidance states that consent should not be given unless there are acceptable and detailed plans for a replacement scheme. Also, it is worth noting the Inspector for the previous appeal stated "I do not accept either that the associated removal of the fire damaged school is so desirable that it would itself improve the conservation area. Even in its current condition it is a substantial remnant and intrinsic component of the historic and architectural qualities of the area".

As Members are aware the applicant has submitted a residential scheme for the site (Reference 11/0872). The design has adopted to provide a residential apartment block in the location of the former school, albeit in a slightly larger area. As detailed further in the report for 11/0872 it concludes this proposal is acceptable.

Summing up the tests

In summing up the above tests it is considered the evidence provided regarding the structural integrity of the building and the lack of a potential viable alternative scheme adds significant weight to allowing the demolition. Indeed, without any future intervention the former school building will undoubtedly further deteriorate.

However, it is noted the Inspector indicated the removal of the existing building would not improve the area as the school still retains much of its qualities. Although this point may be arguable, it is considered the former schools qualities (highlighted in the Inspector's comments) largely remain despite further deterioration since they were made. The alternative scheme would be considered acceptable, taking into account further deterioration of the school. Therefore on balance it is considered the application would overcome the Inspector's concerns with regard to the tests.

Community benefit

With regard the issue of "community benefit"; this was detailed in the inspector's report for the previous appeal. As a result of the adopted Rhondda Cynon Taf Local Development Plan the developer would have to provide obligations for affordable housing and a transport tariff. This would most likely be a similar situation whether the existing building was converted to residential or the school demolished and a new residential build. Furthermore the replacing of the bridge would provide a benefit for other land owners on the school side of the river. It can be seen that the replacement scheme would provide some community benefits, which adds weight to the application for demolition. However on its own, this would not solely justify demolition.

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.

Protected species

With regard to protected species the applicant has submitted the updated bat survey submitted with the previous applications. This also details the potential for barn owls at the site. It concludes that due to the condition of the building all potential bat roosts have been eradicated, that there is no evidence of any wildlife within the structure and there is no possibility that bats or barn owls will return here, as the building is completely unsuitable as a roosting or nesting site. No objection has been raised either by the Countryside Section or Countryside Council for Wales (Now Natural Resources Wales).

Environmental Impact Assessment (E.I.A.)

Demolition projects which have a significant impact on the environment may require an (E.I.A). Such developments can come under Schedule 2.10(b) (urban development projects) to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. However taking into account the size of the site and the above bat report it is not considered an E.I.A. would be required.

Conclusion

In conclusion, it is apparent the former school building is of significance to Blaenrhondda Conservation Area, however its structural condition is visibly poor.

The applicant's structural report details that the buildings walls cannot be stabilised, and thus restored, for health and safety reasons. The applicant has also provided evidence that an alternative buyer or viable scheme has not come forward and that this would be unlikely in the future. Furthermore the proposed redevelopment scheme as detailed in planning application 11/0872, is considered acceptable. Therefore taking all the above into account, it is considered on balance that it is recommended that this application for 'Conservation Area Consent' be approved.

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. Demolition 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 Taf Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea, SA1 6EL).

Reason: In the interest of the historic and architectural significance of the former school in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

3. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site (approved in application 11/0872) has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. Any demolition works 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.

5. No collection of building waste shall be made from the site between the hours of 08:00 and 09:30 hours and 15:00 and 17:30 hours on weekdays.

Reason: In the interests of road safety during the morning and evening rush hours in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 11/0872/10 (GW)
APPLICANT: MJP Investments
DEVELOPMENT: Proposed residential development
LOCATION: THE FORMER INFANTS SCHOOL, CROSS BROOK STREET, BLAENRHONDDA, CF42 5SB.
DATE REGISTERED: 22/08/2011
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: Approve

REASONS:

This is an application for residential development of the former infants school site. The scheme is acceptable as a matter of principal because it lies within the settlement boundary of Treherbert. Also, the proposal does not give rise to significant issues in terms of its impact on the character and appearance of the area, residential amenity, highway safety, ecology and risk of flooding. Therefore, is recommended for approval. However, the application has generated a considerable volume of public opposition in the local community.

APPLICATION DETAILS

This application seeks full planning permission for the residential development of the former school site. It is proposed to demolish the existing school and construct a new residential block containing 16 x 1-2 bedroom apartments.

The submitted plans show the block would be sited in the same location as the existing school. Its design is similar to the existing school incorporating gables, tall windows and features such as the bell tower. Materials, including some stone would be salvaged from the schools demolition and used in the elevations and a course of blue engineering bricks would be used below the window sill level and a buff brick would be used as window detailing. Grey coloured stone window heads and sills would be used. The roof would be covered with a natural slate roof and rainwater goods would be aluminium painted black, eaves and fascias would be timber painted white. Windows would be timber casement windows. Entrances to the apartments

would mainly be from the north end elevation and the inner courtyard area and a further entrance with ramp would be located in the south end elevation. The apartments would be arranged over two floors.

An access road would be constructed along the western edge of the site to the rear of the building. 24no. parking spaces would be provided to the south and west of the building with an area of cycle stands. An area to the south of the site is indicated as being open space and a bin store is shown as being located near the front of the building close to the bridge.

Originally the application detailed the existing bridge would be used to access the site. Following an objection from the Transportation Section the applicant now proposes to replace the bridge with a new one providing a 4.1m wide vehicle carriageway and a 1.2m wide footway. Members should be aware this is not included in the application site area and is not owned by the applicant. Details of the ownership of the bridge have been explored and are unknown. Notwithstanding this, evidence suggests that landowners on the west side of the river have rights to maintain the access to the site.

The application is accompanied by the following:

- Structural Report
- Design and Access Statement:
- Bat and barn owl survey
- Marketing Statement

Members should note a further application for Conservation Area Consent (11/0886), for the demolition of the school is being considered elsewhere on this agenda.

SITE APPRAISAL

The site is located within the Blaenrhondda Conservation Area that was designated in 1975. The purpose of this designation is to preserve and enhance the character and appearance of the area that is deemed to be of special architectural or historic interest. Members should note the school has suffered considerable recent fire damage, which has resulted in damage or loss to some of the features detailed below.

Blaenrhondda School was opened in 1882 and it is unknown when the school closed. It is positioned on the western boundary of the Conservation Area to the south west of Brook Street. The architecture is typical of schools from this period. Large gable ends punctuated with tall windows (usually in sets of three) dominate each elevation. The large hipped roof with deep valleys cover a complex of original extensions. Raised on a plinth with blue brick detailing the squared stonework rises up to eaves level, where simple bargeboards terminate the wall.

The original materials used in the school building match that of the later buildings constructed on Brook Street. The introduction of buff and red brick is used for the architectural detailing. Quoin work, stringcourses, window reveals with header arches and piers are all in coloured brickwork. The former windows are of timber sash with multi-paned fenestration and are typical of 19th Century schools, however many of these are now boarded up.

A stone bell cote is located at the north end of the building, facing east and overlooks the entrance to the school. The void in which the bell once hung is visible and this feature has a slated roof.

Modern flat roof extensions have been added and the original floor plan of the school has been eroded over time.

The site faces northeast into Brook Street and the rear backs on to the banks of the river Rhondda. It is accessed via an iron road bridge with stone piers capped with an attractive pyramid capping stone and iron railings. Although the iron bridge is in a poor state of repair the stonework that continues around the site, in the form of low and high walls, is mainly intact and in good condition. The lower walls are located to the rear of Brook Street, while the taller structures are positioned to the west of the site.

In the wider context the southwest, steep sloping side of Blaenrhondda Mountain constrains the streetscape while the larger more gentle slopes of the Ystradffernol and Tynewydd Mountains move away to the north. The site is highly visible from these outlying areas and as such it can be easily seen and thus understood how the school fits into the historical streetscape.

PLANNING HISTORY

11/0886	Blaenrhondda Primary School, Brook Street, Blaenrhondda.	Demolition of former school building (Conservation Area Consent)	Pending
08/1642	Former Primary School, Brook Street, Blaenrhondda	Development of a residential scheme comprising a 2-storey terrace of 4 No.3 bed houses, 4 No.2 bed apartments and 8 No.1 bed apartments plus associated parking, amenity space and new bridge.	Refused 03/08/09 Appeal: Dismissed 16/02/10
08/1633	Former Primary School, Brook Street, Blaenrhondda	Conservation Area consent for the demolition of former infants school.	Refused 03/08/09 Appeal: Dismissed

16/02/10

08/0913	The Former Infants School, Cross Brook Street, Blaenrhondda	Demolition of existing dilapidated school building - Application for Conservation Area Consent	Withdrawn 30/07/08
08/0247	Blaenrhondda Primary School, Brook Street, Blaenrhondda	Conservation area consent for demolition of former infant school	Withdrawn 30/05/08
08/0242	Blaenrhondda Primary School, Brook Street, Blaenrhondda,	Demolition of former school and replacement with residential 2 storey terrace of 4x4 bed houses, 4x2 bed apartments and 8x1 bed apartments, plus associated parking and amenity space (Outline).	Withdrawn 30/05/08

PUBLICITY

The application has been advertised via direct neighbour notification and site notice. Originally 221 letters of objection were received and their comments are summarised below:

1. Government guidance presumes in favour of retaining buildings that make a positive contribution to the character of the conservation area.
2. The replacement structure lacks the traditional detailing of the existing school. It would have a uniform regimented look, which lacks the charm of the school.
3. The huge increase in height to the eaves and roof and the elongated windows will present a totally disproportionate appearance to the building.
4. The visual intrusion due to the increased height for residents on Brook Street would not be acceptable.
5. The use of render on the rear is not acceptable as stone is available widely in the area from reclamation businesses.
6. The proposed would result in overlooking issues. The first floor level is way above the river wall and residents would look down on the rear of the properties on the other side of the river.
7. The additional traffic from the site would result in unacceptable traffic flow and parking problems on this already oversubscribed stretch of road.

8. Wide vehicles will not be able to negotiate the narrow bridge, which is also restricted to 3.5 tonnes.
9. There is no proven need for further housing in the north Rhondda Fawr yet alone the conservation area. Many houses in the immediate area are unoccupied.
10. The site is in a C2 flood zone and many insurance brokers are refusing to insure new housing in such areas. There is no evidence the development meets the criteria of TAN 15. Mitigation measures being incorporated make no difference. No Flood Consequence Assessment has been provided.
11. The proposed bin store would discourage recycling.

Following changes to the proposal the application was re-advertised. A total of 255 pro forma letters and 2 further letters including one from the Fernhill Rhondda Conservation Group have been received. These reiterate some of the above comments and also add comments relating to the amended building design. These are summarised below:

1. Proposal lacks traditional detailing of the existing school. It would not be as high quality.
2. The extension of the footprint to the east presents a disproportionate appearance to the building.
3. There will be overlooking from the first floor windows for residents on Brook Street.
4. The existing bridge weight restriction precludes any construction traffic or emergency vehicles entering the site.
5. The developer's drawings do not clarify what materials would be reused.
6. Building has been neglected and little effort has been made to reuse it.
7. There have been landslips above and close to the site.
8. People will not use a shared bin store facility properly which would result in littering of the river.
9. Any protected species survey is now out of date and the open nature of the building may make more likely bats and barn owls have increased their presence.

CONSULTATION

Countryside, Landscape and Ecology - no objection. It is evident the building has deteriorated and is less suitable for barn owls and bats since the original protected species survey report. With regard the replacement bridge there is low potential for bats and on balance a survey is not required, however there is potential to make the new bridge a more appropriate bat and bird habitat. A precautionary advisory note is also recommended.

Countryside Council for Wales (Now Natural Resources Wales) - no objection.

Dwr Cymru/Welsh Water - no objection subject to drainage conditions. The proposed site is crossed by a public sewer.

Education and Children Services – there is capacity in all local schools for the proposed development.

Environment Agency Wales (Now Natural Resources Wales) - the application site lies entirely within zone C2, as defined by the development advice map (dam) referred to under TAN 15 Development and Flood Risk (July 2004). Flood map information confirms the site to be within the 0.1% (1 in 1000 year) extreme flood outline. In the previous application (08/1462) the developer provided a Flood Consequence Assessment. This demonstrated that the risks and consequences of flooding could be acceptably managed in accordance with criteria set out in Technical Advice Note 15. Therefore there is no objection subject to the development level of the site being no lower than 216.8m Above Ordnance Datum (AOD). Further conditions and advice are provided with regard Flood Defence Consent, pollution prevention, biodiversity and fisheries, water efficiency, sustainable drainage systems and waste.

Fire Service – no objection. Adequate water supply for fire fighting purpose should be provided and access for emergency fire fighting appliances.

Housing Strategy - Policy NSA 11 of the adopted Local Development Plan specifies a target of 10% affordable housing. Therefore two 2 bedroom units should be provide on-site for low cost home ownership. The developers contribution should be equivalent to the equity retained (30%) for the scheme. The nominated purchaser should pay the developer not more than 70% of the open market value (Paragraph 4.2 of the Affordable Housing Supplementary Planning Guidance).

Land Reclamation and Engineering - the site is located within flood zones B and C and I would recommend that the planning authority consult with the Environment Agency Wales. A Flood Risk Assessment must be submitted. If permission is granted a number of conditions are suggested including a Hydrological Impact Assessment, drainage details, and flood risk management and assessment.

Public Health and Protection Section - no objection subject to demolition of existing dwellings, noise, dust, disposal of waste and lighting.

Structural Engineer - no objection. Details appear adequate.

Transportation Section - no objection subject to conditions requiring improvements to junction with Brook Street, replacement bridge, engineering details of road layout, details of street lighting and surface water drainage, parking areas to be constructed of permanent material and a construction method statement. A 'Transport Tariff' of £18,048 is also required.

Victorian Society - no comments received at the time of writing the report.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and is unallocated. It is identified as being within Blaenrhondda Conservation Area.

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.

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

Policy AW8 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.

Policy NSA5 - allocates land at the former Fernhill Colliery site for the construction of between 350 and 400 dwellings, a local retail centre and informal recreation contained in a countryside setting.

Policy NSA10 - requires new housing development to be a minimum of 30 dph unless it can otherwise be demonstrated.

Policy NSA11 - states at least 10% affordable housing will be sought on sites of more than 10 units.

Policy NSA12 - details criteria for development within and adjacent to settlement boundaries.

Supplementary Planning Guidance - The Historic Built Environment (2011) provides detailed guidance regarding land and buildings within the historic built environment including, listed buildings and conservation areas.

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 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 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), Chapter 12 (Infrastructure and Services) and 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 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
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

Welsh Office Circular 61/96

Para. 33 - The general presumption should be in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where a building makes little or no such contribution the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.

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 where the principle of residential development is acceptable subject to the following material planning considerations.

Impact on the character and appearance of the area

The school building has historically made a strong contribution to the character of the local area. Architecturally, it is a classic example of a late Victorian school, in a simple gothic style with tall gables and windows. Built of stone with brick dressings, it must have originally been a building of some attraction, in a rather beautiful setting. Currently, the building is a sorry shadow of its former self.

The Inspector for the previous appeal refusal (08/1642) indicated that the block plan form of the school building was a key character of the Conservation Area, in its contrast to the linear plan form of Brook Street. This proposal is essentially a new build apartment block, which goes a long way to reflect the old school building in plan form, size, scale, materials and design.

In terms of the materials used the proposal details stone would be salvaged from the demolition of the school and used in the new scheme. Other materials would be of a similar type to that has been used in the school i.e. slate, bricks and stone work. The bell tower and a plaque identifying the site as the former school would also be incorporated in the design. Potentially some of these materials may be salvageable; however this is not indicated in the application. Some elevations particularly at the rear of the building would be rendered. It is noted that the use of render in the previous scheme was criticised by the Inspector for the appeal and has been highlighted in the objections received for this application. Notwithstanding this, the amount of render proposed is not significant and is mainly kept for the rear elevations. The proposed building would be predominantly stone from the main vantage points and it is considered this would overcome the Inspector's concerns that this could "inevitably and irreversibly change the essential architectural use of stone as the main building material in the Conservation Area". It is also appreciated that it may not be possible to reclaim the amount of stone required for the proposed building.

Further issues include the proposed refuse and cycle stores. These would be small in scale and would be acceptable in terms of their design.

In summary, it is considered that this proposal takes on the block plan form of the school to some degree. The scale and design of this proposal is also considered acceptable in terms of the character of the area and reflective of the former school. It would also be predominantly stone. Therefore it is considered in these aspects that the proposal would overcome the inspector's concerns in the previous appeal.

Impact on residential amenity and privacy

With regard to the amenity of surrounding residents, the proposed block containing the dwellings would be sited on the opposite side of the river to the rear of dwellings on Brook Street and in the same location as the former school. There have been some objections from surrounding residents that the proposed dwellings would overlook the rear of properties on Brook Street and result in a loss of privacy. The distance between the front elevation of the building and the rear boundary of the properties would vary between 12 and 14m; the distance with the rear elevations of the terraces would be between 23m and 25m. The plans indicate the slab level of the new building would be approximately 1.7m-2m above that of the level of the buildings on Brook Street. Furthermore, it should also be noted that the majority of the building would be a similar height to the existing school with only some parts being approximately 0.5m taller. Notwithstanding this it is considered the distance would be adequate to maintain privacy and prevent overshadowing between the site and the existing buildings.

A further issue highlighted from the previous applications; was the issue of car lights shining to the rear of properties on Brook Street from the parking and turning areas. As Members will be aware this issue was not seen by the Inspector for the previous appeal as warranting a refusal reason and that the introduction of landscaping in the relevant areas would alleviate any issue. This proposal shows an access road, which is lower down than the existing boundary wall and lower than that previously refused. In addition the bike shed and landscaping detailed would aid screening. Therefore this is not considered an issue to warrant a refusal issue.

Access and highway safety

Members are advised following negotiation with the applicant, a replacement bridge is now proposed (as in the previous application). This would provide a wider bridge and separate pedestrian facilities, which would be considered a benefit not only for this site, but other sites on this side of the river.

There have been a number of objections to the development, resulting from the public consultation exercise, in terms of the potential traffic generated and associated parking issues. The development would provide 24no. off-road parking spaces and cycle parking would also be provided on site. It is considered this would be a sufficient amount of parking for the development. However, Members should note that if additional parking is required, there is space within the site to provide more. Details of this could be obtained by a suitably worded condition if permission were to be granted.

In terms of access to the site from Brook Street the Transportation Section has not objected subject to a condition requiring 'build outs' at the junction to improve the visibility splay. Details of this could be obtained by a suitably worded condition if permission were to be granted.

As a result it is considered the proposed development would be acceptable in terms of its impact on highway safety and parking.

Flooding

The site is located within a C2 flood risk zone, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004). The developer was made aware of this in the previous application and a Flood Consequence Assessment (F.C.A) was submitted. The F.C.A. concludes the existing stonewall around the site protects the site and its existence and continual maintenance would act as a flood defence infrastructure. However, there is still considered to be a residual risk of flooding. Further steps the developer could take include the development of a Sustainable Drainage System including porous paving and on site rainwater harvesting for reuse. As the existing site is mainly impermeable concrete it is considered that this would improve the situation. These details could be obtained by a condition if permission is granted. Natural Resources Wales (Environment Agency) has stated that based on the F.C.A., it is considered the risks and consequences of flooding could be acceptably managed in accordance with criteria set out in TAN 15 and the development would be acceptable. They further state they do not object subject to the development level being no lower than 216.8m Above Ordnance Datum (AOD). Members are advised the finished floor level of the building is shown as being no lower than 216.95m which is similar to the existing school.

Impact on protected species, the environment and nature conservation.

With regard to protected species the applicant has submitted an update to the bat survey submitted with the previous applications (which also details the potential for barn owls at the site). It concludes that due to the condition of the building all potential bat roosts have been eradicated, that there is no evidence of any wildlife within the structure and there is no possibility that bats or barn owls will return here, as the building is completely unsuitable as a roosting or nesting site. It is visually evident that the building has further deteriorated since this report was carried out. No objection has been raised either by the Countryside Section or Countryside Council for Wales (Now Natural Resources Wales) and no evidence of sitings of protected species has been submitted as a result of the consultation exercise.

The Council's Ecologist has stated with regard the replacement bridge that the evidence suggests bat potential is low and on balance no further survey work would be required. Measures should however be provided to make the new bridge a more appropriate as a bat or bird habitat; details of which could be obtained by condition if permission were to be granted.

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.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

Environmental Impact Assessment

Finally demolition projects which have a significant impact on the environment may require an Environmental Impact Assessment (E.I.A). Such developments can come under Schedule 2.10(b) (urban development projects) to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. However taking into account the size of the site and the above bat report it is not considered an E.I.A. would be required.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

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

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:

- **An affordable housing contribution of 2 units.**

- **A transport tariff contribution of £18,048 towards improving the strategic highway network.**

Conclusion

In conclusion the main consideration in assessing the impact of the proposal is whether the loss of the former school and the proposed residential development has an adverse impact on the character of the area, which is, designated a Conservation Area. It is evident that the school contributes significantly to the character of the Conservation Area, however the building is in a poor condition and deteriorating. Indeed, without future intervention, the building will no doubt remain a ruin.

The replacement structure proposed would go some way to reflecting the block form of the school. This was indicated as being important for the character of the conservation area, by the inspector for the previous appeal. The proposal in terms of its design and scale would be acceptable in terms of the impact on the character of the Conservation Area.

Furthermore the proposed access, replacement bridge and car parking are considered acceptable.

In terms of the impact on residential amenity the development would introduce a residential use to a building and site that was formerly a school. Notwithstanding this, it is considered there is sufficient distance to prevent a significant detrimental impact on the amenity of surrounding residents. Therefore in these terms the application would be acceptable.

The applicant has also shown that the consequences of flooding can be managed or mitigated against and that the development would not have a detrimental impact on protected species.

Therefore taking all the above into account it is recommended that this application be approved.

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the proposed development, impact on the character and appearance of the area, the impact on residential amenity and privacy and access and highway safety (policies AW1, AW2, AW5, AW6, AW7, AW8, AW10 and NSA12).

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. 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 Taf Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea, SA1 6EL).

Reason: In the interest of the historic and architectural significance of the former school in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

3. 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, roof lights, private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected, installed or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance in accordance with Policies DCP1 and Policies ENV16 of the Rhondda Local Plan.

4. Notwithstanding the submitted plans and before work starts, the design and details of the following shall be submitted to and approved in writing by the Local Planning Authority

- (a) window openings;
- (b) door openings;
- (c) bridge (including tie in with existing wall)

Drawings shall be submitted to a minimum scale of 1:5 with full size moulding cross section profiles. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the character of the Conservation Area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

5. The following materials and features shall be carefully salvaged, protected and stored in a secure location for re-use in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority:

1. Stone
2. Bricks
3. School plaque
4. Stone bell tower

Reason: In the interests of the character of the conservation area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

6. Building operations shall not be commenced until samples of the new roof coverings (including ridge tiles) and any additional materials for the elevations 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 AW7 of the Rhondda Cynon Taf Local Development Plan.

7. 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. 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 AW7 of the Rhondda Cynon Taf Local Development Plan.

8. The proposed render shall be constructed in strict accordance with details of texture, colour and finish 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. 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 AW7 of the Rhondda Cynon Taf Local Development Plan.

9. The development for which permission is hereby granted shall not be commenced until full details of the surfacing materials proposed to be used on any roadway, footpath, car park, lay-by or other paved or metalled areas have been submitted to and approved, in writing, by the Local Planning Authority and no dwellings shall be occupied until the works have been completed in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity and would not have a detrimental impact on

flooding or highway safety in accordance with policies AW5, AW7 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The development permitted shall only be carried out in accordance with the approved Flood Consequences Assessment submitted by Mofor Drayton Consultants Ltd dated February 2009 (application 08/1642/10) and the following mitigate measure detailed within section 3.3

The development level of the site must be set no lower than 216.8 metres Above Ordnance Datum.

Reason: To protect the properties against flooding in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Any facilities for the bulk storage of fuel, oils and chemicals, including their emptying and filling points, shall be located within a sealed bunded area, details of which shall be submitted to and approved in writing by the Local Planning Authority before installation.

Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Any works within the watercourse shall only take place between 15th May and 15th October, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect salmon migration and spawning period in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the submitted plans, 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 hereby approved is occupied. Development shall be carried out in accordance with the approved details.

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. 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 any existing trees to be

retained; the position, design, materials and type of any boundary treatment to be erected: and the surfacing materials for any hard surface area. Development shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. 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 preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Notwithstanding the approved plans, full engineering and design details of the improvements to the existing unnamed road leading to the proposed development site that incorporate junction buildouts onto Brook Street shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be carried out to the satisfaction of the Local Planning Authority prior to 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.

17. Notwithstanding the submitted details, development shall not commence until full engineering design and details of the new access road bridge to be constructed which incorporates a 4.1m wide carriageway, a 1.2m wide footway and a 0.5m wide overhang margin strip either side together with 0.5m wide margins to support the parapets have been submitted to and approved in writing by the Local Planning Authority. The design of the bridge and relevant Road Safety Audits shall be in compliance with the Design Manual for Roads and Bridges. The new access bridge shall be constructed in accordance with the approved details, prior to any new building works commencing on-site that would be associated with the residential development hereby approved.

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

18. Notwithstanding the approved plans, development shall not commence until full engineering details of the road layout including sections; street lighting details 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.

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

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

20. Surface water run-off from the proposed development shall not discharge onto the public highway or connect 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 unless otherwise agreed in writing by the Local Planning Authority in accordance with policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

22. No development shall take place until drainage arrangements including a Hydrological Impact Assessment have been submitted to and approved in writing by the Local Planning Authority. The dwellings 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.

23. The development for which permission is hereby granted shall not be commenced until a scheme for the provision and implementation of a sustainable urban drainage system has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

24. 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 (5th Edition) November 2012.

25. 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 (5th Edition) November 2012.

26. Prior to the occupation 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 (5th Edition) November 2012.

27. Prior to the commencement of development, details for the provision of bat and bird habitat measures 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.

28. Demolition or 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 policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

29. No collection of building waste shall be made from the site between the hours of 08:00 and 09:30 hours and 15:00 and 17:30 hours on weekdays.

Reason: In the interests of road safety during the morning and evening rush hours in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0547/10	(GD)
APPLICANT:	Lidl UK GmbH	
DEVELOPMENT:	Demolition of existing buildings and redevelopment to provide a Lidl foodstore with associated car parking, access and servicing (revised site boundary received 20/11/2013)	

LOCATION: RHONDDA CYNON TAF CBC, MILLFIELD DEPOT,
RHONDDA ROAD, PONTYPRIDD, CF37 1HQ
DATE REGISTERED: 20/11/2013
ELECTORAL DIVISION: Rhondda

RECOMMENDATION: Approve the proposed development subject to conditions and successful conclusion of a Section 106 agreement.

REASONS:

The proposal represents significant inward investment in retailing in the County Borough on a site that is sequentially acceptable. The proposal is also acceptable in terms of Local Development Policies and in respect of all other material particulars.

APPLICATION DETAILS

Full planning permission is sought for the construction of a 1713 sq m. foodstore comprising a sales area of 1063 sq m. with the balance given over to storage areas and welfare facilities. The store will be positioned towards the southern end of the site with its main entrance clearly defined facing northward towards Ysgol Evan James and adjacent to Rhondda Road. The store would be finished with walls in a combination of white render panels with structural columns in contrasting colour render. Key feature panels and those facing Rhondda Road will be clad in locally sourced pennant stone. Above the eaves line silver/grey cladding will run around the building. The roof will be a distinctive feature of the building, being of monopitch metal panel construction and sloping down towards the rear of the building.

Access to the site will be via the existing junction on Rhondda Road which currently services Meithrinfar Felin Nursery and the southern element of Ysgol Evan James. Access into the site itself will be off the turning head of the service road.

Access to the site will be via the existing junction on Rhondda Road which currently services Meithrinfar Felin Nursery and the southern element of Ysgol Evan James. Access into the site itself will be off the turning head of the service road. The northern part of the site will be given over to 80 [parking spaces including 5 no. disability standard spaces, circulation space and the loading bay.

The application forms, certificates and plans are also accompanied by the following documents,

- A Design & Access Statement
- A Retail Assessment.
- A Transport Assessment.
- A Travel Plan Framework.
- A Flood Consequences Assessment.

- An Extended Phase 1 habitat & Species Survey.
- An Arboricultural Method Statement
- A Statement of Community Involvement, and;
- A Combined Topographical & Utility Survey

SITE APPRAISAL

The application site is comprised in an irregularly shaped parcel of land of some 0.7 hectare. The site is flat and currently derelict, it was last used as a Council depot/yard. The site is bounded by Ysgol Evan James and the nursery to the north, Rhondda Road (A4058) to the east and the River Rhondda to the west and south. Though derelict the boundaries of the site are well wooded and have wildlife potential. Access to the site is via an unnamed access road which links with Rhondda Road and also serves the existing school and nursery.

PLANNING HISTORY

02/1948	Retail Park Identity & McDonalds Signage	Withdrawn 09/02/06
02/1946	Demolition of existing depot buildings and construction of drive through & counter service restaurant (A3), Unit 1 (350m ²) Class A1 food retailing units 2, 3, 4, & 5 Class A1 non food retailing shops.	Appeal against non determination dismissed 13/01/05
56/94/0112	Proposed utility block	Approved 19/04/04
56/83/1255	Alterations & extensions	Not available
56/78/1933	New stores complex	Approved 05/02/79

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of one letter raising the following objections/concerns:—

- Traffic around Ysgol Evan James is already appalling and the proposed supermarket will not improve this.
- Pontypridd already has a Tesco, Iceland, Marks & Spencer and cooperative in town and a Sainsbury's in walking distance, do we need another supermarket?
- Small local businesses will suffer.

- Child safety will be affected and adding to an already congested part of the road with more traffic and delivery lorries is unacceptable.

CONSULTATION

Transportation Section – raise no objection subject to conditions and the developer entering into a Section 106 agreement to secure an appropriate transport tariff contribution.

Land Reclamation & Engineering Manager – advises that the site should be subject to a flood consequences assessment and raises no objections subject to conditions.

Public Health & Protection – no objections subject to conditions

Education & Children's Services – have no comments in respect of the proposed development.

Natural resources Wales – raise no objection to the proposed development confirming that the site lies outside of the 1:100 and 1:1000 year flood zones and subject to a series of conditions relating to wildlife protection, invasive species and drainage being included in any consent that might be issued.

South Wales Fire & Rescue Service – raise no objections and advise that the developer should ensure that adequate water supplies for fire fighting purposes are available and that the site access should be sufficient to cater for fire fighting appliances.

Countryside Section - advise that the SEWBREC search has not revealed any records of the presence of statutory protected species in the immediate vicinity of the application site.

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

POLICY CONTEXT

The Rhondda Cynon Taf Local Development Plan 2006 – 2021

Policy CS2 emphasises the need for sustainable growth that benefits the whole of Rhondda Cynon Taf focusing development within defined settlement areas on previously developed land, promoting regeneration, reducing commuting and protecting the natural environment.

Policy AW2 promotes development within settlement limits where there is no unacceptable conflict with nearby uses, there is good accessibility by a range of transport options, there is good access to key services, facilities and utilities, the proposal would support the role of the principal town and the site would not flood.

Policy AW5 sets a series of access and amenity related criteria that all new development should meet.

Policy AW6 sets a series of design related criteria that new development should meet where relevant.

Policy AW8 sets a series of criteria to be considered where development might affect a Site of Interest for Nature Conservation.

Policy AW10 requires appropriate consideration of environmental risk where development is considered.

Policy SSA1 promotes commercial development, including retail development in the defined town centre of Pontypridd.

Policy SSA16 promotes retail development within the retail centre of Pontypridd that would be appropriate to the status of the centre.

National Guidance

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

The following chapters of Planning Policy Wales (PPW) are considered relevant to the consideration of the current proposal and set out the Welsh Governments policy on planning issues relevant to the determination of this application.

Chapter 2 – Development Plans
Chapter 3 – Making & Enforcing Planning Decisions.
Chapter 4 – Sustainability.
Chapter 7 – Economic Development
Chapter 8 – Transport
Chapter 10 – Planning For Retail & Town Centres.

PPW Technical Advice Note 4 Retailing & Town Centres.
PPW Technical Advice Note 5 Nature Conservation & Planning
PPW Technical Advice Note 15 Development & Flood Risk
PPW Technical Advice Note 18 Transportation.

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning & 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 the relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

The main issues that require consideration in the determination of this planning application are the acceptability or otherwise of the proposed development in planning policy terms, the impact of the proposal on the natural environment, the effect of the proposal on the character and appearance of the area, flood risk and highway safety.

Main Issues

The Planning Policy Position

The application site lies within the settlement boundary of the principal town of Pontypridd as defined by the Rhondda Cynon Taf Local Development Plan. The site is centrally located though not within the defined town centre but it is accessible via a range of varying transport modes. As such the proposed location is considered sustainable for the intended development and thus compliant with policy in this regard.

The application site is clearly previously developed land having been occupied by this authority and its predecessor for any number of years as a yard and garage for Council vehicles. The site, though now derelict still displays many of the characteristics of its former use. Consequently the preference in planning policy terms for the redevelopment of previously developed land applies and would support this development.

The key policy area in the determination of this planning application is that which relates to retailing. Under the former local plan the site was specifically designated for either retail or use class B1 office uses. This though was dropped for the Rhondda Cynon Taf Local Development Plan due to the absence of any quantitative need to identify additional land for retailing. The site now lies within settlement limits but is not allocated for any specific use.

In these circumstance Planning Policy Wales supplies the criteria for dealing with windfall retail proposals based around retail need, retail impact and a sequential approach to site selection.

In terms of quantitative need, the amount of floorspace given over to convenience goods is relatively modest and there is sufficient capacity in Pontypridd to support the development. Similarly, the amount of comparison goods floorspace is barely significant, as such no objection could be raised to the proposal on the basis of quantitative need.

In terms of qualitative need, the applicants argue that the absence of a deep discount retailer in Pontypridd represents a qualitative need. This current gap in the market is self evident and allowing this store would undoubtedly widen consumer choice and consequently no objection could be raised on the basis of a qualitative need.

In supporting the application the agent has assessed four sites when considering the sequential approach to site selection. Of these only one site (the precinct) is a genuine consideration that might be considered sequentially more preferable to the proposal site. However, that site would not meet the requirements of the applicant's business model in terms of plot ratio (floorspace to available parking) and there would also be the added drawback of the visual impact such a proposal would have on the local townscape. Additionally this site is not available for development at this point in time. Consequently, as the precinct is neither suitable nor available as a sequentially preferable site for a Lidl development and there being no other sites available closer to the town centre, than the application site, the proposed development passes this test.

The final retail planning policy consideration is the impact of the proposed development on the existing town centre. The town centre stores considered by the applicant are Iceland, Co-op, Marks & Spencer, Tesco Express and Sainsbury. Marks & Spencer avoids impact from Lidl on the like for like principle, (that is when new stores are established they tend to take trade from stores that sell the same and similar products of similar quality). Sainsbury is expected to loose trade to Lidl, however, the large size of the Sainsbury store makes the impact acceptable at less than 3%. The loss to the remaining stores would be greater at 4 to 5% but this still remains acceptable. These stores are not trading poorly and their owners have not objected to the current application and it can only be concluded that their impact levels are acceptable. The only large impact that the proposal would have would be on the out of centre Aldi Store at Upper boat which would see 16.1% of its current trade diverted, however being out of centre itself, this loss of trade is not a planning policy consideration.

Impact on the Character & Appearance of the Area

The application site is one of the most highly visible derelict sites in the whole of the County Borough, located as it is on the principal route between Pontypridd and the Rhondda. The site as it is does not present a positive image of Pontypridd to the rest of the world as it passes by. While this might encourage a view that anything would be an improvement it also underlines the importance of ensuring that the site is developed in a manner that respects and enhances the character and appearance of the area. Ideally this would result in a building developed to face Rhondda Road, this though needs to be balanced against the needs of the developer as a successful retailer. While the building proposed faces north rather than east on to Rhondda Road, it is designed with active frontage in the form of its largest window facing east and its main entrance located on its north east corner. This is considered a

reasonable compromise in design terms. In addition to this the applicant company have also upgraded from their standard finishes in the use of locally sourced pennant sandstone to be used on the key east facing elevation. Other positive aspects of the proposed design include the use of an established access point and the creation of a new pedestrian access from Rhondda Road, the retention of the green corridor along the river, which in addition to its ecological benefits will also serve as a partial screen to the south facing rear elevation of the building, and the access to the established neighbouring school will be improved whilst at the same time respecting its general amenity.

The above underlines the positive aspects of the design of the store for which consent is sought and demonstrates that it would deliver a positive improvement to the appearance of the area that meets a required standard. In terms of the character of the area, the site is relatively isolated for one that lies so close to the town centre. The site is defined by the river to the west and south by road and railway to the east and by Ysgol Evan James to the north. Beyond the road and under the railway viaduct there is car parking and north of the school there are only two houses and a petrol filling station. The locality of the site is that of a small island of developable land located between the river and the principal route to the Rhondda Valleys where the neighbouring uses are a mixture of institutional and commercial with a small amount of residential that would be unaffected by the proposed development. As such it is reasonable to conclude that the proposed development would improve upon and add to the character of the area.

Ecology

Though a brownfield site, the land affected by this application also borders the river Rhondda which is designated a Site of Importance for Nature Conservation (SINC) under the Rhondda Cynon Taf Local Development Plan, (Policy AW 8.142). In considering any proposal the Council is, as a consequence, obliged to have regard to the impact of the proposal on the SINC. In this instance, the applicant has provided extensive detail in terms of the impact of the proposed development on the SINC in the provision of an ecological survey and a full assessment of the trees likely to be affected by the development along with a working method statement that illustrates how the site could be developed with minimum disruption to the trees. This work had given the Council's Ecologist and indeed Natural Resources Wales sufficient confidence that the site can be developed with no long term adverse impact on the SINC Subject to the provision and maintenance of a 7 metre buffer zone along the length of the river bank and a series of planning conditions relating to light spill, invasive species, drainage and ecological management. In conclusion, the applicants have been able to demonstrate that the site can be developed in a manner that proves acceptable in ecological terms, and there are no grounds for resisting this proposal in terms of its ecological impact.

Highways.

The planning application has been supported with the submission of a Transport Assessment which assesses the transportation impact of a 1713 sq m. foodstore on the surrounding highway network. The Transport Assessment has been reviewed and subsequently revised and there is now agreement in all of the key areas, This has resulted in the Transportation Section raising no objection to the proposed development subject to the conditions outlined below.

The transport tariff will vary depending on the type of development proposed. For a foodstore it is set at £376 per daily net additional trips in accordance with the guidelines set out in the Authority's adopted Strategic Planning Guidance on Planning Obligations. However, it is also recognised that in the case of certain land uses, (such as retail), not all trips attracted to the site are new to the network. In these cases, only the additional trips are used for the calculation of the tariff. The daily net additional trips that result from the proposed development works out at 83.52 which equates to a transport tariff payment of £31,302 in this instance. In terms of the Supplementary planning guidance the site falls within area 1 where the amount payable is 100% of the set figure and equally there is no allowance for the former use of the site given that it has been vacant for more than five years.

Flooding

Historically the site would have been located within flood zone C2 where planning policy would have demanded the strongest justification for development. This the current proposal could meet in any event as it represents the redevelopment of a brownfield site where economic development would assist the regeneration of the principal town of Pontypridd. However, Natural Resources Wales have advised that as of April 2013 the results of the Rhondda VDM model update demonstrates that the development site is flood free in the 1:100 year with climate change and the 1:1000 year flood events. As such the site does not suffer any issues relating to flooding that would provide cause for concern in the determination of this planning application.

Other Issues

In the course of dealing with this application the following issue has also been raised, It is not considered material to the determination of the planning application. The need for the proposed development is questioned when the town already has Iceland, Tesco Express, Marks & Spencer, and Co-op and with Sainsbury in walking distance . As Members will be aware the need for a development is not a material planning consideration beyond the terms described in the planning policy section above. All other points raised by the objector are addressed in the planning considerations above.

PLANNING OBLIGATIONS

It is recommended that a planning obligation is signed in respect of the following –

- The payment of a transport tariff of £31,302 to improve the strategic highway network.
- The developer meeting the reasonable costs of the Council in preparing the Section 106 agreement.

CONCLUSION

In conclusion the proposal is acceptable in planning policy terms and in respect of all other key material particulars and is consequently recommended accordingly., Particularly as it would have the benefit of broadening shopping choice at a location that is readily accessible from Pontypridd town centre, and also deal with an element of long standing dereliction close to the town centre.

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

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

3. 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 without the prior express permission of the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 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 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.

6. 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 use hereby permitted is commenced. 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.

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

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

8. 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.

9. 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:

1. 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.
2. 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.
3. 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

10. No building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 9) 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.

11. 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.

12. 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.

13. No development, erection of structures, or any works whatsoever shall take place within 7m of the top of the bank of the River Rhondda.

Reason: To enable maintenance to be carried out to the watercourse and to maintain local levels of biodiversity.

14. The site shall be developed in accordance with the recommendations of the arboricultural method statement prepared by TDA environment landscape design dated August 2013/

Reason: In order to ensure that the trees on site are adequately protected through the course of construction works in the interests of maintaining biodiversity.

15. The development for which permission is hereby granted shall not be commenced until such a time as a scheme to install oil and petrol separators has been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent any oil and petrol run-off causing deterioration in water and habitat quality and aquatic biodiversity in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No works shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works.

Reason to prevent pollution of the environment and to protect local biodiversity.

17. Notwithstanding the submitted drawings, improvements to the access leading to the site that incorporates –
- Carriageway widening,
 - realigned footways and new footways leading to and abutting the nursery
 - Uncontrolled pedestrian crossings
 - Conversion of the grassed area between the school gates and parking areas to a hard surface
 - Conversion of the perpendicular parking to parallel parking
 - Road markings, and
 - Realignment of the splitter island

shall be carried out in accordance with full engineering design and details together with relevant road safety audits and designer's response including longitudinal and cross sections, drainage and street lighting are to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved scheme shall be implemented in accordance with the approved details prior to beneficial occupation of the store hereby approved unless otherwise agreed in writing with the Local Planning Authority.

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

18. Notwithstanding the submitted drawings full engineering design and details of the new pedestrian link from the foodstore's entrance that directly links with the A4058 Rhondda Road shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be fully implemented prior to the beneficial occupation of the store hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of pedestrian safety and accessibility by all modes of transport.

19. Notwithstanding the approved drawings, pedestrian guard rails shall be provided either side of the A4058 Rhondda Road that direct pedestrians to

the nearby pedestrian pelican crossing 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 fully implemented prior to the beneficial occupation of the store hereby approved.

Reason: To prevent indiscriminate crossing of the A 4058 Rhondda Road in the interests of highway and pedestrian safety and free flow of traffic.

20. The internal access circulation and parking shall be laid out in accordance with drawing no W13094_A_09. The parking and turning areas shall be constructed in permanent materials and retained for the purposes of parking circulation and turning only unless otherwise agreed in writing by the Local Planning Authority.

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

21. Within six months of the beneficial occupation of the store a travel plan comprising measures to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The travel plan should include details of a travel plan co-ordinator, proposals for setting and monitoring targets (including use of public transport, walking, car sharing and cycling) and financial penalties if targets are not achieved. The travel plan shall be implemented in accordance with the details approved under this condition unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure optimum provision for a range of alternative travel modes to and from the site in the interests of sustainability.

22. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the Local Planning Authority.

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

23. No HGV movements shall take place to and from the site between the hours of 08:00 - 09:00 and 15:00 – 16:00 weekdays during the course of site preparation and construction works.

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

24. The consent hereby granted relates to the revised site location plan received on 20th November 2013-11-27.

Reason: For the avoidance of doubt as to the approved site location plan.

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APPLICATION NO: 13/0624/19 (HE)
APPLICANT: Mr C Andrews
DEVELOPMENT: T8 Oak - trim back branches, T9 Alder trim back branches, T1 Alder reduce to crown and T2 - T7 thin out Alder/Hazel trees. Remove 2 and trim back others.
LOCATION: 5 ROWAN GARDENS, CHURCH VILLAGE, PONTYPRIDD, CF38 2GG
DATE REGISTERED: 18/06/2013
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve

REASONS:

The application proposes limited works to trees covered by a TPO. The works are considered reasonable and proportionate and will not affect the integrity of the Order. The nature of the protection afforded to such trees is such that the work will be carried out in accordance with the relevant standard.

APPLICATION DETAILS

This is an application to carry out works to trees covered by an "area" Tree Preservation Order at 5 Rowan Gardens in Church Village.

An "area" or "group" Tree Preservation Order is made when the collective value of the trees has the greatest beneficial effect (normally in terms of the positive contribution that is made to the character of an area) rather than their individual merit.

The affected trees and the works proposed to each can be summarised as follows:

- T1 Alder – reduce to crown
- T8 Oak – trim back branches,
- T9 Alder – trim back branches, , and
- T2 – T7 thin out Alder/Hazel trees, remove 2 and trim back others.

Prior to the submission of the application a site visit took place between the owner of the trees and the Council's Arboriculturist to discuss acceptable and recommended work to trees along the western boundary of number 5.

SITE APPRAISAL

The property in which the trees sit is close to a detached property located to the southern end of a larger residential estate.

The trees form part of a long linear band through the estate before joining with a much larger wooded area to the south.

The TPO was made in 1999

PLANNING HISTORY

Not relevant to the consideration of this application.

PUBLICITY

As part of the application, the following properties were notified of the proposal:

- 28, 29 & 30 Lon Y Cadno
- 3, 4, 6, 9, 10 & 11 Rowan Gardens

As a result of this exercise one letter of objection from the occupier of 9 Rowan Gardens was received, the relevant points of which can be summarised as follows:

- It would reduce our privacy from the public footpath which runs to the rear
- It would be detrimental to the wellbeing of local wildlife (birds, squirrels, etc.)
- It would increase the noise audible from the Church village bypass
- The proposals would reduce the value of our property
- The applicant has already begun reducing the tree levels

CONSULTATION

Countryside Section – no objection to the works being carried out as proposed.

POLICY CONTEXT

Policy AW8 of the Rhondda Cynon Taff Local Development Plan protects sites of landscape conservation from inappropriate development.

REASONS FOR REACHING THE RECOMMENDATION

The proposal involves carrying out works to trees covered by a Tree Preservation Order (TPO).

The trees are protected by an “area” TPO which means that the amenity value of the trees are found in their collective rather than individual merit.

A TPO protects trees from being felled or lopped or topped in a manner which would cause them harm. It is not meant to prevent appropriate works being carried out where required.

Having met with the Council's Arboriculturist a scheme of appropriate works was agreed subject to the formal submission of an application under the appropriate TPO Regulations. As part of this process an objection was received and, as a result, needs to be referred to Committee for determination.

The reasons for objection are set out in the "PUBLICITY" Section above. Clearly the "devaluation of property prices" is not a material consideration and should not be taken into account in determining the proposal.

In respect of the other objections, the purpose of imposing a TPO was for the general amenity value of the trees and to act as an attractive backdrop to the development. It was not specifically meant to act as a screen to any individual property and the fact that the trees are deciduous would mean that at certain times of the year the trees would be bare and privacy from other properties or footpaths would generally be provided by other more traditional means such as walls and fences.

Similarly, the proximity of the Church Village bypass to the estate would unlikely result in any additional noise from the works proposed, substantially for the same reasons that the trees would be bare for part of the year and also, when the application was considered for the bypass, a separate noise assessment was carried out and appropriate mitigation was put in place. The scheme did not rely on this band of trees to reduce the impact on properties in this area.

With regard to the affect on local wildlife, there may be some disruption while the works are carried out but the works are being undertaken for specific reasons and will be carried out in accordance with principles of good husbandry that will mean that the trees should continue to thrive and continue to provide a home to local wildlife (no evidence has been submitted to suggest that there are any "protected species" that reside in this area).

Lastly, the applicant had begun work on some of the trees however subsequently work has stopped pending the outcome of this decision.

To conclude, while the concerns of the neighbour are, for most part, understandable, all works being carried out are considered necessary, have been fully discussed with the Council's Tree expert, will be done to the appropriate standards and will not affect the integrity of the TPO on the site. It is therefore considered to accord with Policy AW8 of the LDP.

Accordingly, the application is recommended for approval.

RECOMMENDATION: Grant

1. All works are to be undertaken in accordance with modern arboricultural practices to BS3998 2010 Recommendations for tree works.

Reason: In the interest of amenity and good arboricultural practice.

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APPLICATION NO:	13/0653/10	(BJW)
APPLICANT:	G W Richards & Sons Contractors Ltd	
DEVELOPMENT:	Construction of one pair of semi detached houses.	
LOCATION:	LAND OPPOSITE NO'S 6 TO 8 UNION STREET, TRECYNON, ABERDARE. CF44 8NP	
DATE REGISTERED:	25/06/2013	
ELECTORAL DIVISION:	Aberdare West/Llwydcoed	

RECOMMENDATION: Approve

REASONS:

The site already benefits from consent for a single dwelling. It is considered that use of the site for two dwellings would be a better use of the area and would be in keeping with the layout and density of the surrounding area.

The scale and design of the properties is in keeping with and sympathetic to the character and appearance of the surrounding area and provides a visually interesting development that is appropriate and acceptable to its setting. The area is also within a sustainable location, close to alternative modes of transport and local amenities.

APPLICATION DETAILS

Full planning permission is sought for the erection of a pair of semi-detached dwellings on land opposite 6-8 Union Street, Trecynon, Aberdare, CF44 8NP.

The dwellings would be arranged facing onto Union Street with Plot 1 being at a slightly higher level than Plot 2 (700mm) due to the sloping nature of the land. Each dwelling would measure 6.45m in width by 6.3m in depth by 4.9m in height to the eaves and 7m in height to the ridge of the roof. The dwellings would consist of a hall; living/dining room and kitchen at ground floor and 3 bedrooms and a bathroom at first floor level. Each property would be finished with a fine down render and grey concrete tiles. The south west boundary of the site (onto Ebenezer Street) would accommodate 2 off street parking spaces for the dwellings.

The application is accompanied by a Design and Access Statement (DAS) in support of the proposal. The DAS states that the development would respect the surrounding area in terms of building finish that would allow the dwellings to blend in with the surrounding area; would make best use of the available land and would supply low cost housing in an area of high demand.

SITE APPRAISAL

The site is a roughly rectangular piece of land located at the junction of Ebenezer Street and Union Street.

The ground slopes gently from Ebenezer Street in the south west towards properties in Union Street with a fall of approximately 1.3m over its length of 18-20m.

The site has well-established ground flora and has an electricity sub-station in the north corner. The surrounding area is characterised by predominantly residential properties with a fairly dense urban form interspaced with larger civic and commercial properties on a more infrequent basis.

PLANNING HISTORY

07/0505	Proposed dormer bungalow.	Conditions 12/07/07
06/0104	2 No. semi-detached houses - two bedroomed (amended plot layout received 26/07/06).	Refused 21/11/06
01/4123	Residential Development (Outline)	Conditions 07/06/2001
00/4041	Residential Development (Outline)	Conditions 04/04/00

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. One response has been received making the following comments:

1. Parking problems in the area. There is high demand for parking in the area and consideration should be given to any development that would worsen the current situation.
2. The window in the side elevation would directly look into my front windows.

CONSULTATION

Transportation Section – raises an objection to the application on the following grounds:

1. The proposal will result in additional on-street parking in an area where there is already substantial demand, to the detriment of highway safety.
2. The proposed development will generate on-street parking in close proximity to the nearby road junction thus creating hazards to the detriment of highway and pedestrian safety.
3. The proposed development will create traffic hazards to the detriment of highway safety and free flow of traffic on Union Street.

Land Reclamation and Engineering (Drainage) – no objection, subject to drainage conditions.

Public Health and Protection – no objection, subject to a condition to restrict the hours of operation during the construction period of the development.

Dwr Cymru Welsh Water – no objection.

Wales and West Utilities – no response received.

Western Power Distribution – no response received.

South Wales Fire and rescue Service – no response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

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 - only permits development where it would not cause harm to features of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (Development plans), Chapter 3 (Making and enforcing planning decisions), Chapter 4 (Planning for sustainability), Chapter 9 (Housing) and Planning Policy Wales Technical Advice Note 12 Design, sets out the Welsh Government's policy on planning issues relevant to the determination of this planning 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 proposed development

The site is within the settlement boundary and already benefits from consent to erect a single dwelling at the site. Consequently, it is considered that the principle of the use of the site for residential development has been established and is acceptable in terms of the provisions of the Local Development Plan.

The use of the site would be in keeping with prevailing land uses within the area that are predominantly residential, and would make productive use of a redundant site within an urban setting.

Therefore, the proposal is considered to be acceptable in this respect.

Effect on the character and appearance of the area

It is considered that the current appearance of the site is detrimental to the character and appearance of the area being, as it is, overgrown and unkempt due to disuse and neglect.

The proposed dwellings would however be of an appropriate scale and design that would be sympathetic to and in keeping with existing properties within the area. The dwellings would provide a development that would be appropriate and which would positively contribute to the urban setting of the surrounding area.

Consequently, it is considered that the proposal is acceptable in this respect.

Impact on amenities of neighbouring properties

It is considered that due to the densely developed setting of the site any development of the area would be a compromise in terms of privacy distances and potential overshadowing.

This accepted, it is considered that the proposal provides acceptable distances between neighbouring properties and would not be either imposing or overbearing on those surrounding properties.

In terms of the comments made by the neighbour in Ebenezer Street regarding the side window looking directly onto the front of their house, this window serves a landing of the proposed dwelling and therefore its impact would be minimal. However, in order to alleviate any unease this may cause the window could be obscurely glazed so that any potential overlooking would be dealt with.

It is acknowledged that there has been only a single letter raising concerns regarding the proposed dwellings and this letter does not raise any issues of the scale and positioning of the dwellings.

Therefore, the proposal is considered to be acceptable in this regard.

Highway safety

The initial highway assessment of the scheme raised objections in terms of the two parking spaces that would serve Plot 2 due to the difficulty of turning onto Union Street from these spaces and the restriction that existing on-street parking would have on this manoeuvre.

A potential scheme was identified at that time however, it was considered that the implementation of such a scheme would result in a layout that would appear over-engineered and poor in visual terms. Additionally, the amenity areas for the dwellings would be restricted to such a degree that they would be of little or no productive use.

It is acknowledged that the current scheme does not meet the requirements of the Transportation Section and that this has resulted in them objecting to the proposal.

However, it is considered that the layout that has been submitted does provide a reasonable, albeit reduced, level of parking for the site. The site is located in a sustainable location that is close to local amenities and alternative forms of transport. In such circumstances it is considered that the reduction in parking provision is acceptable and is mitigated by the improvement of the character, appearance, layout and increased amenity space that the current scheme would provide.

Consequently, despite the objection from the Highways Section it is considered that, on balance, the proposal would provide acceptable levels of parking in a sustainable location and is acceptable.

Conclusion

On balance, the application is considered to comply with the relevant policies of the Local Development Plan in respect of the issues outlined above (and in accordance with Policies AW5, AW6, AW8 and AW10).

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on 9 July 2013

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

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

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

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

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

5. Notwithstanding the approved plans, the side facing, first floor landing windows of both dwellings shall be fitted with obscure glazing details of which shall be submitted to and approved by the Local Planning Authority. The windows shall be fitted in accordance with the agreed details and

retained as such in perpetuity.

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

6. 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.

7. 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.

8. 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.

9. 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.

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

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

11. 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.

12. 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.

13. 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.

14. 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.

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APPLICATION NO: 13/0922/13 (MJ)
APPLICANT: Ms A Williams
DEVELOPMENT: Demolition of existing derelict workingmens club and re-landscaping site to accommodate residential development.
LOCATION: CLYDACH VALE WORKINGMENS CLUB, HOWARD STREET, CLYDACH, TONYPANDY, CF40 2BP
DATE REGISTERED: 14/10/2013
ELECTORAL DIVISION: Cwm Clydach

RECOMMENDATION: Approve

REASONS

The proposal represents the redevelopment of and investment in the removal of a derelict burnt out site in Clydach Vale.

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 the principle of residential development on the site, and its impact on the residential amenity of surrounding properties as well as highway safety.

APPLICATION DETAILS

Outline planning permission is sought for the demolition of the existing vacant club building and residential development on land occupied by Clydach Vale Workingmens Club, Clydach Vale. The workingmen's club has suffered a severe fire in the past and is in a state of disrepair with serious damage to the roof structure.

In accordance with the requirements of the General Permitted Development (Amendment) Order (SI 20089 No. 2336 (W.199)) information regarding the access, footprint and height of the proposed development has also been received as part of the Design and Access statement and indicative plans. These are:

Maximum and minimum width: 8m and 6m

Maximum and minimum length: 12m and 8m

Maximum and minimum height: 12.3m (on the rear given the slope of the site) and 9.2m

The vehicular access to the development will be obtained from Park Street with a pedestrian access from Howard Street.

The indicative plan shows a potential development of 12 dwellings laid out as one terrace of 6 fronting Howard Street and 6 fronting Park Street. The access and parking area is via a lane from Park Street leading between the two terraces.

SITE APPRAISAL

The site is currently forms the curtilage of the Clydach Vale Workingmen's Club which has been severely damaged by a fire. The Workingmen's Club is situated on the northern half of the site fronting Howard Street and is a large split level building with two storeys to the front and three to the rear.

The site falls steeply from the north to the south to a relatively level tarmaced area fronting Park Street. The site is surrounded by residential properties which are mainly terraced properties.

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. No response has been received to date.

CONSULTATION

Transportation Section – no objections subject to conditions.

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.

Education – no objections and there is surplus capacity in the local school to cater for the development.

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

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

Housing Strategy - no objections subject to the provision of 10% affordable housing in accordance with the Local Development Plan.

Glamorgan Gwent Archaeological Trust – no objections.

South Wales Police – no objections subject to the site being developed to Secured by Design standards.

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 Clydach Vale and is unallocated.

Policy CS1 - sets out the objective of building strong, sustainable communities in the Northern Strategy Area.

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.

Policy NSA10 - sets out housing density requirements for new residential development and the criteria which allow for exceptions.

Policy NSA11 - requires the provision of 10% affordable housing on sites of 10 units or more.

Policy NSA12 - supports and sets criteria for the consideration of residential development proposals in the Northern Strategy Area.

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 residential development 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 workingmen's club which forms part of the village of Clydach Vale. 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 main road through Clydach Vale local centre where there is a bus service and a couple of shops.

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 indicative proposal shows two terraces of 6 properties, one fronting Howard Street and the other fronting Park Street at the lower level. It is considered that this would represent an acceptable pattern of development should an application for reserved matters be submitted as it echoes the character established by the existing terraces in the area along both streets.

Whilst the density of the development is also indicative at this stage, it is considered that the applicant has demonstrated that the site could be developed to a density which is in keeping with the character of the area without having a detrimental impact.

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 indicative layout of the development is such that it demonstrates that the site could be developed so that overlooking between habitable room windows will be kept to a minimum.

It is also considered that the site is capable of accommodating a development that would not have an overbearing impact on existing neighbouring properties as demonstrated by the indicative plans and the buffer distances between the site itself and existing neighbouring properties.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal; however a number of conditions are specified. Matters relating to potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the

application have also been raised, as such a condition to restrict the hours during which construction operations may be undertaken is also suggested. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that such impacts could be minimised by the imposition of appropriate conditions. Overall, it is not considered that the temporary impacts experienced during the period of construction would be so great as to warrant the refusal of the application.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and it is considered that the site could be developed in such a way that would have an acceptable impact on residential amenity. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety, the Council's Transportation Section has raised no objections to the application subject to conditions. Having regard to the indicative scheme it is considered that the applicant has demonstrated that the site could be developed so that it will not have a detrimental impact on highway safety. The full details of the access and parking facilities of the proposed dwellings will be considered with the submission of an application for the approval of reserved matters.

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.

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.

No SewBrec records of statutory protected species have been found for the area surrounding the site. The Council's Ecologist has reviewed the information submitted with the application and has concluded that there is a limited potential for bat activity in the building due to the extensive damage that has occurred to the roof and other parts of the building from the previous fire. It is therefore considered that the proposed development will not have a detrimental impact on bats however an advisory note will be attached to any consent to advise the developer of their responsibilities.

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. Provision of 10% affordable housing units
2. 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 light of potential viability issues, in consultation with the Local Members should they wish to approve the application.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development of the site for residential purposes is acceptable and is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings at this outline stage.

Therefore, it is recommended that approval of outline planning permission be granted subject to the conditions specified below.

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the building(s), 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. 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. Off-street parking shall be in compliance with RCT'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. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the access lane including sections 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.

5. Before the development is brought into use the cellar opening on Howard Street shall be reinstated or capped in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

Reason: In the interests of highway and pedestrian safety.

6. Prior to the development being brought into use, the existing vehicular access onto Park Street shall be reinstated in full flexible footway material 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.

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. HGV's used as part of the development shall be restricted to 08:30am to 17:00pm weekdays, 08:30am to 13:00pm Saturdays with no deliveries on Sundays 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.

9. Before leaving the site, all lorries shall be suitably sheeted.

Reason: To prevent debris and dust from construction works being deposited onto the public highway, in the interests of highway safety.

10. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of surface water drainage from the proposed car parking and turning areas. No residential unit 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.

11. 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.

12. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. 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.

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.

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APPLICATION NO:	13/0929/10	(LE)
APPLICANT:	Morganstone Ltd.	
DEVELOPMENT:	1 no. Bungalow (re-plan of application 11/1423/10 allowed at appeal 2185616) and associated works.	
LOCATION:	FORMER SCHOOL, BRITHWEUNYDD ROAD, TREALAW, TONYPANDY, CF40 2PB	
DATE REGISTERED:	08/10/2013	
ELECTORAL DIVISION:	Trealaw	

RECOMMENDATION: Approve

REASONS:

The application is considered to represent an appropriate form of infill development within the settlement limits of Trealaw. The proposed dwelling represents a similar proposal to a scheme previously approved planning permission at the site and is considered to accord with the key policy requirements of the Rhondda Cynon Taf Local Development Plan and make a positive contribution to the surrounding area.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached bungalow at the site of the former Treallaw School, Brithweunydd Road, Treallaw. The dwelling would be erected toward the rear, south-eastern corner of the plot forming part of a recently approved scheme (Appeal no 2185616) to redevelop the wider site for residential purposes.

The proposed, single storey dwelling would have a ridge height of 5.1 metres from ground level falling to 2.2 metres at eaves level. The dwelling would have a length ranging between 14.7 metres and 12.6 metres, and a width ranging between 6.2 metres and 9.7 metres. The front elevation of the building would incorporate a projecting and relatively open carport structure. The remainder of the dwelling would accommodate three bedrooms, a kitchen, dining/lounge area and bathroom.

The dwelling would be set approximately 35 metres from Brithweunydd Road on a lower ground level. Its narrower front elevation would face toward Brithweunydd Road. It is proposed to create a small enclosed garden area to the rear of the property with a vehicular access and turning area being created alongside the western elevation of the new building. Access would be gained direct off Brithweunydd Road via the new internal link road proposed as part of the wider re-development of the site.

Planning Permission has recently been granted at the site for 4 houses, 13 flats and 1 bungalow and development works have now commenced. The applicants have detailed that the erection of the bungalow in the position previously approved would require extensive engineering and ground works to be undertaken. Given the space exists at the site and to reduce the need to engineer the land it is now proposed to re-site the dwelling closer to the site frontage; hence the submission of the application under consideration.

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

SITE APPRAISAL

The application site is an irregular shaped sloping plot measuring approximately 1400m² (including the means of access) and forms part of the wider, former Treallaw School site, which is now being redeveloped for residential purposes. Situated to the south of Brithweunydd Road the site appears as an active building site with extensive ground works being undertaken at the time of the site visit. The plot, under consideration comprises the eastern flank of the site and falls away from the level of the highway fronting the site. To the eastern side of the site is Carnegie Welfare Centre (clinic), which is set down from Brithweunydd Road. Toward the rear, southwest of the site is a mental health clinic, which is set at a lower level. Opposite the site frontage, to the north of Brithweunydd Road is a pair of bungalow properties which have small front garden areas.

PLANNING HISTORY (post 1974)

11/1423	4 houses, 13 flats and 1 bungalow	Refused 05/10/2012 Appeal Allowed 13/02/2013
12/1075	Full planning application for 1 no. detached dwelling, 2 no. semi-detached dwellings, 1 no. bungalow and 10 no. flats and associated works	Withdrawn
06/2473	Residential development (outline)	Withdrawn

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. Representations have been received from the occupiers of two neighbouring residential properties (nos. 150 and 151 Brithweunydd Road). The concerns raised are summarised as follows:

- Local residents strongly objected to any form of building works being undertaken on the land.
- Communication on the proposal is a waste of time and money as resident's original objections and opposition against this development are well documented and still remain.
- The construction company are having problems with the drainage/culverts on the site.
- The neighbouring property (no. 151) has suffered drainage problems in the past and allowing further development opposite may result in blocked culverts which could affect existing properties.
- The re-siting of the bungalow highlights concerns with the culvert running through the site and the drainage problems being experienced.

CONSULTATION

Transportation Section - raise no objections.

Countryside Landscape, Ecology - raise no objections, with no relevant SewBrec Records of Statutory Protected Species from immediate vicinity

Public Health and Protection - raise no objections.

Structural Engineer - raise no objections.

Dwr Cymru/Welsh Water -raise no objections.

Land Reclamation and Engineering - raise no objections; following the submission of additional drainage information the applicant's proposed means of surface water management strategy is considered acceptable.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 - advises that in the Northern Strategy Area the emphasis will be on building strong sustainable communities.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

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

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.

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 development

Permission is sought for the erection of a detached property within the existing built up area of Trealaw. The application site is situated within the settlement boundary. The planning history of the site also highlights permission for residential development has previously been granted on the site. The principle of the development is therefore in accordance with the provisions of the Local Development Plan and supported in this instance.

Impact on the character and appearance of the area

In terms of visual impact, the proposal would comprise a detached bungalow positioned toward the eastern side of the former school site. The siting of the dwelling is significantly set back from Brithweunydd Road with the proposed single storey building having a relatively simplistic and straightforward design. The dwelling would benefit from surrounding garden areas and associated off-street parking and vehicle turning space. It is also proposed to finish the dwelling in render (with low brick plinth) and slate roof tiles which are considered acceptable and sympathetic to the existing elevation treatments of buildings in the locality. Whilst the site is also predominantly surrounded by traditional terraced properties there are two bungalow style properties situated directly opposite the application site, to the north of Brithweunydd Road. Furthermore, it is acknowledged the bungalow has a broadly similar style and finish to the earlier approved scheme at the site; the key difference between the schemes being the proposed re-siting of the building, approximately 20 metres closer to the front of the site, which raises no adverse concerns in visual terms. In addition, the proposed re-siting would reduce the need for further excavation and engineering of the site. Overall the proposal is not considered to be unduly harmful to the character and appearance of the locality and would form an appropriate development when viewed in conjunction with both its existing and proposed surroundings (following the wider redevelopment of the site).

Impact on residential amenity and privacy

With regard to the amenity of surrounding residents, given the proposed dwelling would be sited a significant distance from the residential properties situated on the northern side of Brithweunydd Road it would have no adverse impact on these properties. Representations raised by the residents of nos. 150 and 151 Brithweunydd Road whilst raising their concerns with the wider development of the site raise no direct concern with the impact of the proposed bungalow on loss of privacy, overshadowing or loss of light. The proposed dwelling would be sited in relatively close proximity to the Carnegie Welfare Centre/Clinic that is situated to the east. Approximately 5.0 metres would be retained between the buildings with boundary treatments defining the side boundaries of each site. Importantly, the internal arrangement of the proposed bungalow enables each room to be served by windows positioned within the north, south and western elevations only. The eastern side elevation of the building would have a blank façade and no windows would therefore face directly toward or overlook the adjacent clinic building. It is also unlikely that the proposed single storey bungalow building would have a harmful overbearing or overshadowing impact. An appropriate relationship between the new

development and the mental health clinic positioned toward the rear (southwest) would also be retained. In summary, it is therefore considered the scheme would not have an unacceptable impact on adjacent properties in terms of amenity and privacy.

Access and highway safety

In terms of highway safety considerations, the proposal would create an access to the property from the front, north of the site off Brithweunydd Road via the new internal road that would also serve the adjacent, associated development. A parking area for two vehicles and turning space would be created alongside the bungalow building. The Council's Transportation Section has considered the proposal and has raised no objection. It is commented the scheme represents the re-plan of an existing approved bungalow that was granted at appeal as part of the larger scheme to develop the site. A condition is suggested to ensure parking spaces are retained at the site.

Drainage

In relation to the drainage arrangements for the proposed development, and with due regard to the comments raised by local residents, the applicants have provided sufficient information to demonstrate the development is acceptable in this regard. The Council's Land Reclamation and Engineering Section, raise no objection to the scheme and highlight the applicant intends to dispose of surface water through the culverted watercourse running through the site. It has been appropriately demonstrated through the submission of further information in relation to the proposed bungalow (and wider development of the site) that this means of discharge is acceptable. A standard drainage condition for the development is suggested accordingly and a condition is suggested that requires the submission of information to confirm the protection of the culverted watercourse during the construction phase of the development. It is further noted that Welsh Water have raised no objections against the proposal.

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 development within the built up area of Trealaw. An extant consent, for a comparable scheme exists on the site, with the development posing 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 and drainage. 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. Building operations shall not be commenced until samples/brochure details of the type and colour of render, brick, windows, doors and roof tiles 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. The dwelling 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 Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall be allowed to commence until measures to protect the culverted watercourse have been submitted to and approved by the Local Planning Authority. The approved measures shall be implemented during the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that flood risk associated with the existing culverted watercourses does not increase as a result of any development activities in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. The parking areas shall be 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 in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. 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.

11. 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.

12. 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.

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

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APPLICATION NO:	13/0991/12	(MJ)
APPLICANT:	DS Properties Ltd	
DEVELOPMENT:	Change of Use and conversion of Block A and Block B, and part of Block D, into 17 Self Contained Units comprising internal and external alterations, and	

associated works (Listed Building Consent) (Amended Site Plan Received 26/11/13)
LOCATION: **BLOCKS A & B COED Y LAN COMPREHENSIVE UPPER SCHOOL, TYFICA ROAD, GRAIGWEN, PONTYPRIDD, CF37 2DF**
DATE REGISTERED: 16/10/2013
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Approve

REASONS:

The proposed development is considered acceptable and in keeping with the relevant policies of the Local Development Plan and national guidance with regard to the impact on the character and setting of the listed buildings. The scheme is also considered to be a positive contribution to the area by bringing these vacant, damaged buildings back into use, securing their future in the long term. As a result, the application is recommended for approval.

APPLICATION DETAILS

Listed Building Consent is sought for the conversion of blocks A and B on the site of the Former Coed y Lan Lower Comprehensive School at Tyfica Road, Pontypridd for residential use to accommodate 16 self-contained flats. The proposal also includes the use of a section of Block D to a concierge office and self contained accommodation for the concierge.

The existing buildings are next to each other, adjacent to the car park where a parking scheme for Block D has been approved. Block A (original hall and gym) will be converted to 12 flats (11 of which will be 2xbed and 1 will be 1xbed). Block B (science block) will be converted to 4 2xbed flats.

Block A is the larger of the two buildings and the works proposed include the replacement of the existing timber framed windows with new timber frames, painted white; the repair and re-roofing of the building in natural slate; the roughcast render to be made good and painted; the insertion of new hardwood timber framed doors; and the introduction of four roof-lights in the south eastern elevation of the building.

The works proposed to Block B involve the replacement of the existing timber framed windows with new timber frames, painted white; the repair and re-roofing of the building in natural slate; the roughcast render to be made good and painted; the insertion of new hardwood timber framed doors. The proposal also involves the introduction of four new window openings on the north western and south eastern elevations at ground floor level, and the introduction of eight conservation roof-lights in each of the front and rear elevations of the building. The building will be split into

twelve units which will extend into the roof space of the existing building which was previously the school hall.

Materials proposed are timber casement windows, natural slate roof tiles, rough cast render (made good and painted), the existing doors and the existing stone will be made good.

Car parking for the conversion is proposed within the site to the rear of Coed y Lan Primary School, and to the area behind blocks A and B totalling 39 spaces. 17 off-street parking spaces will be allocated for the current proposal (12 spaces for Block A, 4 spaces for Block B and 1 space for the concierge). It is noted that the applicant is also in ownership of block D which is situated in front of Blocks A and B and has recently had consent for its conversion to 22 flats and 22 off-street parking spaces. A remaining 11 off-street car parking spaces are being made for the use of the wider site (excluding Block A, B and D). Access to the site will be obtained by utilising the existing access to the school.

The application is accompanied by the following:

- Design and Access Statement
- A Bat and Bird Survey
- Conservation based Research & Analysis report; (CoBRA)

SITE APPRAISAL

The site is within the settlement boundary of Pontypridd and is unallocated. The site forms a prominent feature in the landscape of Pontypridd and can be seen from a distance from the lower levels of the valley. The site is bounded to the west by the existing primary school and to the east by the vacant school buildings and the housing along Tyfica Road. Above and to the north of the school buildings site is a wooded area. Vehicular access to the site is obtained from Lanpark Road, via Tyfica Road.

The application site forms part of land that is the curtilage of the former school. The site is currently laid out in a series of plateaux of various shapes and sizes with steep rises in levels usually supported by retaining walls in between. The site rises generally to the North West. The site can be generally subdivided into two distinct areas, where the upper flat plateau comprising the old playground areas and car parking forms one; and a heavily sloping lower area which contains the existing school buildings. The areas are divided by a strong tree belt slope that forms a visual and physical barrier between the two areas. Blocks A and B are situated on the lower plateau to the rear of Block D with access directly from the internal access road within the site.

The lower parts of the site are occupied by the institutional buildings that formed the school which consists of 8 buildings of which several are listed including Blocks A and B. The main school building is finished in local stone and has a slate roof. Parts

of the roof are missing slate/tiles and the building has suffered some damage from water penetration.

The school was built in 1893-4 by Arthur O Evans, architect of Pontypridd and opened in 1896 as the County School. It was designed for both boys and girls, who had separate entrances. Additions were made to the school almost as soon as it was open, of which the present science block and gymnasium were built in 1910. It became the Intermediate School in 1911 and in 1913 the girls left for a separate school at Glyntaff (also by A O Evans). After 1945 it was the Pontypridd Boys Grammar School, until 1973 when it became a comprehensive school. The buildings have been listed as an early County school retaining considerable architectural character in a prominent position.

PLANNING HISTORY

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

13/0990	Blocks A and B Coed y Lan Comprehensive School, Tyfica Road, Graigwen, Pontypridd	Change of Use and conversion of Block A and Block B, and part of Block D, into 17 Self Contained Units comprising internal and external alterations, and associated works	Pending
12/1317	Block D, Coed-Y-Lan Comprehensive School, Graigwen, Pontypridd	Change of Use and conversion of former school building into 22 Self Contained Units comprising internal and external alterations, and associated works.	Granted 05/09/13
12/1316	Block D, Coed-Y-Lan Comprehensive School, Graigwen, Pontypridd	Change of Use and conversion of former school building into 22 Self Contained Units comprising internal and external alterations, and associated works.	Granted (listed building consent) 05/09/13
10/1294	Coedylan Comprehensive Lower School, Tyfica Road, Pontypridd	Redevelopment for housing, comprising the alteration and conversion of existing listed buildings and the erection of a new building. (Listed Building Consent)	Withdrawn 29/06/12
10/1253	Coedylan Comprehensive	Redevelopment for housing, comprising the alteration and conversion of existing listed	Withdrawn 29/06/12

	Lower School, Tyfica Road, Pontypridd	buildings and the erection of a new building (reserved matters application).	
06/2157	Coedylan Comprehensive Lower School, Tyfica Road, Pontypridd	Redevelopment for housing, comprising the alteration and conversion of existing listed buildings and the erection of new building.	Approved with Conditions 09/12/10
00/2774	P.A.C.E. Building, Coedylan, Tyfica Road, Pontypridd	Roof and rainwater goods alterations.	Approved with Conditions 15/12/00
94/0275	Coedylan Comprehensive (Lower School) Tyfica Road, Pontypridd	Additional car parking area.	Approved with Conditions 14/12/94

CONSULTATIONS

The Glamorgan Gwent Archaeological Trust – have indicated in the past that there is no known archaeological resource buried within the application site area and that therefore they have no objection to the positive determination of the application. However the proposed conversion of the present buildings will undoubtedly remove and/or obscure details of the original fabric and architectural features. Therefore before any development works commence, the existing structures should be recorded by a qualified architectural historian, both by the means of a drawn and photographic record as was attached to the previously approved application for the conversion of Block D (ref: 12/1316).

Royal Commission on the Ancient and Historic Monuments of Wales – no objections subject to a condition to require a high quality photographic record of the buildings before they are altered is undertaken.

PUBLICITY

The application has been advertised by direct neighbour notification, site notices and a press notice. One letter has been received which refers to this application and the application for full planning permission (ref: 13/0991) which is summarised as follows:

- Concerns are raised regarding the proposed number of off-street parking spaces available for the development.

It is noted that Highway Safety is not a consideration for the application for listed building consent, and the comments received will be addressed in the report for application ref: 13/0990.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

The application site lies within defined settlement limits and is not allocated for any specific use.

Policy AW5 – New Development – 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 – Protection and enhancement of the built environment – development will only be permitted where it can be demonstrated that the proposal will preserve or enhance the character and appearance of the site.

Policy SSA1 – Development in the Principal Town of Pontypridd – Proposals that reinforce the role of Pontypridd as a principal town, respects culture and heritage, is of a high design standard, integrates positively and promotes sustainable transport modes will be permitted.

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 chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 6 (Conserving the Historic Environment)

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

Section 12 of the Circular states that new uses may be key to the preservation of a building and controls over land use, density, plot ratio, day lighting and other

planning matters should be exercised sympathetically where this would enable an historic building to be given a new lease of life.

Section 68 of the Circular states that the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 70 highlights the issues generally relevant to the consideration of all listed building consent applications which include, the importance of the building; the physical features of the building; the building's setting and contribution to the local scene and the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area of the enhancement of its environment (including other listed buildings).

REASONS FOR REACHING THE RECOMMENDATION

The key considerations in this case are whether the proposed development will have an acceptable impact on the character of the listed buildings, and setting of the listed buildings on the site including the proposal site.

The application for the conversion of the building is considered to be in keeping with national guidance which encourages the preservation of listed buildings. It is considered that bringing the building back into use will have a positive impact on the surrounding school site which will encourage the further redevelopment of the site as well as bringing community benefits as a key site of regeneration in the Pontypridd area offering good quality residential development. The existing buildings on the site have deteriorated rapidly in recent years and it is considered that the proposed development will be of benefit to the further development of the wider site and the prevention of further deterioration to these prominent listed buildings.

Character and Appearance of the Area

In terms of the principle of the proposed development and its impact on the character and appearance of the area, residential development has been established as an appropriate use for the site through the approval of outline consent on the 9th December 2010 (ref: 06/2157) and a more recent consent for the conversion of Block D to 22 residential units (ref: 12/1316 and 12/1317). The site is located within a predominantly residential area, therefore residential development on the site is considered to be in keeping with the character of the surrounding area.

Blocks A and B are considered large enough to accommodate 12 and 4 residential units respectively without having a detrimental impact on the character of the wider school site and surrounding area in terms of density and appearance.

In terms of the scale of the proposed development, although the locality is characterised by larger residential properties it is not considered that the flats within

the conversion will detract from the existing character of this area of Pontypridd. The proposed conversion of blocks A and B is considered to represent a sympathetic and attractive layout which makes the most of the existing features of the buildings without damaging the character or setting of the listed buildings or the wider site.

In respect of the design of the conversion, the external works to the building are fairly minimal and are considered acceptable. Where windows need replacing a condition will ensure that new windows will be replaced with appropriate materials.

The alterations proposed to the grounds of the school are also considered acceptable. Adequate parking is provided which also allows for a landscaping scheme to be implemented so that new and existing greenery can mitigate the impact of the parking provision.

The proposal represents a positive opportunity to improve the appearance of existing buildings within the site as well as bringing the buildings back into beneficial use without having a detrimental effect on the character or appearance of the area. It is also considered that the regeneration of Blocks A and B has the potential to encourage the development of the remainder of the site, particularly having regard to the fact that Block D is currently being renovated.

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.

Impact on listed buildings and their setting

The proposed conversion and alterations to the building are considered acceptable in that minimal changes are proposed to the exteriors of the building. As with any residential conversion of buildings such as these, internal divisions on a large scale are to be expected. The proposed conversion of the building makes effective use of existing openings within each building and new openings are limited to the addition of some smaller windows in non-principal elevations. Although it is regrettable that the roof of the building cannot be preserved in its original state, it is not considered that the introduction of conservation roof lights will detract from the character of the listed buildings so much that it would warrant the refusal of the application. The details submitted show that the conservation roof lights would not project beyond the plane of the roof, preserving its character. On balance, it is considered that as the balance of the elevation will be retained and the building brought back into beneficial use, this aspect of the alterations does not warrant the refusal of the application.

Finishing materials proposed will match the existing traditional materials on the site and are therefore considered acceptable and natural slate (re-use where possible). Conditions are recommended below to ensure that samples are submitted to the Council for approval.

The proposed development seeks to preserve the school building on the site through its conversion. The proposal allows the building to be repaired and improved where necessary and also ensures its long-term viability. It is also considered that given that the site is now privately owned by several different individuals, and is therefore being developed piecemeal, the current proposal represents a positive step towards enabling the redevelopment of the wider site. It is considered that the general character of the site will be preserved and enhanced as a result of the proposal. This will ensure that the layout of the educational buildings on the site can be preserved and the architectural history of the site can be understood in the future.

It is considered that the proposed development will preserve and enhance the existing character and appearance of the site and is acceptable in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

Conclusion

In summary, the proposed development is considered acceptable and in keeping with the relevant policies of the Local Development Plan and national guidance. As a result, the application is recommended for approval subject to the following conditions.

RECOMMENDATION: Grant

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

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

2. No site works shall commence until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.

Reason: The building is of significance and the specified records are necessary to mitigate the impact of the proposed development to ensure that the development is in accordance with the requirements of Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

3. 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. Notwithstanding the approved plans, all external timber including windows and doors shall be painted in a colour to be first approved in writing by the Local Planning Authority and shall thereafter be maintained in the approved colour unless an alternative is approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

5. The roof lights hereby approved shall be constructed in accordance with drawing no. AD B01.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

6. The following features should be constructed in accordance with drawing nos. AD B01, AD A02 and AD A01.

- a. flue pipe(s);
- b. eaves treatments;
- c. soffits
- d. valleys

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

7. All disturbed fabric shall be made good to match the existing building.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

8. The following materials shall be carefully salvaged, protected and stored in a secure location for re-use/reinstatement in accordance with the approved plans:

- Roof slates and ridge tiles
- Rainwater goods
- Bricks
- Stone walling
- Lintels/cills
- Decorative features.

Reason: To ensure the retention of the special architectural and historic interest of this listed building in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

9. The windows including the openings and glazing shall be constructed in accordance with drawing no. AD AE01.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/1005/10 (MF)
APPLICANT: Mrs Yuet Kwan Wong
DEVELOPMENT: Two storey rear extension and replace existing garage
LOCATION: 78 CARDIFF ROAD, HAWTHORN, PONTYPRIDD,
CF37 5AA
DATE REGISTERED: 25/10/2013
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve

REASONS:

The application is considered acceptable in respect of the principle of development, its visual impact, and taking the neighbours objection in account, the impact it has upon the amenity and privacy.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey extension and a detached garage to the rear of 78 Cardiff Road, Hawthorn.

The proposed extension would project 5 metres from the rear of the dwelling at both ground and first floor level, having a width of 6.3 metres and a pitched, apex roof 8

metres at its highest point, sloping to 5.7 metres at its eaves. The addition would accommodate a kitchen/ dining room at ground floor level and two additional bedrooms at first floor level. It is proposed the extension be finished in external materials to match the existing dwelling.

The existing garage within the rear garden would be demolished and replaced with a new garage set back from the rear of the dwelling by 4.5 metres. The new garage structure would measure 3.2 metres in width by 5.5 metres in depth and would incorporate a pitched roof design 3 metres at its highest point sloping to 2.5 metres at its eaves. It is proposed the garage be finished in external materials to match the existing dwelling.

SITE APPRAISAL

The application property is a semi-detached dwelling located on the main highway through Hawthorn. External materials are of render, concrete roof tiles and white uPVC doors and window frames. The dwelling is set back from the highway with an area of amenity space to the front that includes a drive way that runs to the western side of the property. To the rear is an enclosed garden where a detached garage is sited (to be replaced). Neighbouring properties are all of the same design and scale. There are examples of similar large two storey rear extensions in the locality with an identical extension being recently approved at the adjoining property.

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 79 Cardiff Road making the following comments (summarised):

- The extension would be out of keeping with the character and appearance of the surrounding locality.
- The extension would directly overlook 79 Cardiff Road and its amenity space.
- The extension would overshadow 79 Cardiff Road and its amenity space.
- The extension would result in additional on street parking to the front of the site on a busy road.
- The extension would obstruct views from the rear of no. 79.

- Concerns relating to the future use of the property – the property may be rented to students.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hawthorn, 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 extension of an existing residential property and the principle of the development is therefore acceptable, subject to the criteria identified below.

Visual Impact

Spanning the full width of the original dwelling and projecting by 5 metres from the rear, it is acknowledged the proposed extension would form considerable addition to the original property. However, it is considered a precedent for this type of development has been set within the area with an identical extension recently approved at the adjoining property and with a number of similar extensions in the locality. It is therefore considered that with the use of appropriate external materials to match the original property the extension will not be overly prominent within the locality and is acceptable in terms of scale, design and overall visual appearance.

With regard to the proposed garage, sited to the rear of dwelling the structure would not be visible from the highway, it would however form a visible feature from the rear of the immediate neighbouring properties on Cardiff Road and Lon Heulog to the rear. Replacing an existing garage of a similar scale, being sited over 10 metres from the rear of the adjacent dwelling no. 79, and being of a similar scale and design to that of several other garages in the street including garages at both immediate neighbouring properties, the proposed garage is considered to be of an acceptable design and scale in accordance with local plan policy. The use of acceptable external materials would further ensure the garage will not have an adverse impact on the character and appearance of the surrounding locality.

Residential Amenity

Given the scale of the rear extension a degree of overbearing impact would occur upon both the adjoining and adjacent properties. However, as previously detailed, an identical extension is being constructed at the adjoining dwelling which will eliminate any impact upon this property and with the addition sited over 6 metres from the adjacent property no. 79, the impact would not be considered so significant as to warrant the refusal of the application. Furthermore, with the rear gardens of both the application dwelling and the immediate neighbouring properties facing north-west, it is not considered any undue overshadowing impact would occur.

It is acknowledged a degree of overlooking impact will arise from the first floor windows to the rear of the proposed extension due to the close proximity of the neighbouring properties. It is not considered however these windows would lead to any further harmful loss of privacy in comparison to the existing arrangement at the site. It is also noted that a roof light would be sited within the western roof slope facing the adjoining property no. 78. It is proposed this window be obscure in nature and non-opening therefore having no undue impact upon the neighbouring property.

The application originally proposed two large windows be sited in the western side elevation of the extension at first floor level that would directly overlook the adjacent property no. 79. Following consultation with the applicant, the bedroom window has been removed from the scheme and the bathroom window has been reduced in scale and would be obscured and non-opening. It is considered that the amendments have overcome the concerns raised by the objector with regard to overlooking, however, it is advised a condition be added to any approval ensuring these windows and the roof light remain obscure and non-opening in future in order to protect the privacy of the residents of no. 79.

The proposed garage would be sited adjacent to a similar garage at the adjacent property and over 10m from the rear elevation of that property. Therefore, given its siting, scale and proposed domestic use, it is not considered that the structure would have any impact upon the existing residential amenity standards currently enjoyed by the neighbouring properties.

Therefore, it is not considered the development would harm the residential amenity of the neighbouring properties to a degree that would warrant refusal of the application.

Other Issues

The objector has raised concerns regarding increased on street parking at the site following the development of the extension. It is acknowledged the extension would introduce two additional bedrooms at the dwelling which may in turn increase the number of vehicles to be stored at the site. However, both the extension and garage would be sited to the rear of the dwelling and would not impact upon the existing driveway in any way which is over 30 metres in length. It is therefore considered the site could comfortably accommodate any extra vehicles off street that may be introduced in connection with the additional two bedrooms.

Further concerns raised by the objector relate to a loss of views from his property and the fact the dwelling may be rented in future. These are not material planning considerations and should not be taken into account during the determination of this application.

Conclusion

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. 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 development hereby approved shall be carried out in accordance with the amended/revised plans received by the Local Planning Authority on 26th November 2013 complainant .

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

3. The external materials of the proposed extension and garage shall match as near as possible the materials of the original dwelling house.

Reason: To ensure that the works are 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed without the prior express permission of the Local Planning Authority.

Reason: To safeguard the residential amenity and privacy of the neighbouring properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the extension, hereby permitted, being brought into use, the first floor window within the western side elevation and the roof light within western roof slope shall be glazed with obscure, non-opening glass details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO:	13/1024/10 (GW)
APPLICANT:	Mr Kenneth Thomas
DEVELOPMENT:	Detached dormer bungalow and granny annex with off road parking.
LOCATION:	LAND TO THE REAR OF GWENDOLINE TERRACE, ABERCYNON, MOUNTAIN ASH, CF45 4TE

DATE REGISTERED: 23/10/2013
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Grant

REASONS:

The development is within the settlement boundary. There would be no significant impact on neighbours and the visual impact would be acceptable. An acceptable level of parking would be provided and the access is considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the erection of three bedroom detached dormer bungalow with an attached granny annex with one bedroom. A previous application (12/0384) for one two storey dwelling on the site, was refused due to that proposal having a detrimental impact on the amenity of surrounding residents.

The property would measure a maximum of 19.5m in width, a maximum of 10.5m in depth and with a maximum height of 7m. The granny annexe would have a maximum height of 5.9m. The front elevation and chimney would be finished in stone and the rest of the elevations in a smooth render. The roof would be covered with a natural slate.

Vehicle access would be via an existing access from the adjoining B4275. Parking for three vehicles would be provided to the side of the dwelling and a turning area in front. Boundary treatment is detailed as being a combination of existing walls and wooden boarded fencing.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site is irregularly shaped and elevated from the B4275 road along its eastern boundary. The site is relatively flat and has a raised concrete slab on part; the rest has a scrubby covering of vegetation. The site is bounded to the side and rear residential properties in Gwendoline Terrace and Imperial Court and to the front by the B4275 road.

PLANNING HISTORY

12/0384	Land to the rear of Gwendoline Terrace	Residential development of 1 detached dwelling and garage.	Refused 28/11/2012
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PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One letter of objection has been received from the occupier of a dwelling on Imperial Court. The objections are summarised below:

- Building would be right opposite my bedroom window.
- Concerned about a loss of privacy.
- My back garden would be in sight of the building.

CONSULTATION

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

Glamorgan Gwent Archaeological Trust – information in the Historic Environment Record shows the application area is on the site of Lock Isaf, Lock No. 24 on the Glamorganshire Canal. Based on this information, and in order to mitigate the impact of the development, we recommend that a condition requiring an archaeological watching brief to be conducted during the groundworks for the development should be attached to any planning consent granted in respect to the current application. This recommendation is made following the advice given in Welsh Office Circular 60/96, section 22.

Land Reclamation and Engineering – no objection subject to conditions.

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

Structural Engineer - no objection subject to details of retaining structures.

Transportation Section – no objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries of Abercynon as defined by the Rhondda Cynon Taf Local Development Plan.

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 AW7 - covers the protection and enhancement of the built environment.

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.

Policy NSA12 – details criteria for development within and adjacent to settlement boundaries.

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 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 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

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and is unallocated. Therefore the principle of residential development is acceptable subject to material planning considerations.

Residential Impact

The previous application (12/0384), which was refused due to its detrimental impact on amenity, was for a two storey dwelling. It was considered the height and bulk of the dwelling and relationship to nearby houses would have had an overbearing impact and loss of privacy. This proposed dwelling would be a dormer bungalow and has been reduced in scale and height from that refused and would have a relatively low eaves height. It has also been pushed away from the dwellings on Imperial Court by approximately 3m and the site levels would be reduced to a similar level to the affected dwellings. Furthermore the main part of the proposed dwelling is not directly behind the nearest effected dwelling on Imperial Court and only the 'granny annex' would be. This part is set further away and is also lower in height to the main part of the proposed dwelling. It is considered as a result the development would not have an overbearing impact on the amenity of the occupiers of dwellings on Imperial Court.

An objection has been raised with regard to a loss of privacy to the first floor bedroom windows and garden area of dwellings on Imperial Court. Members will note that the main windows on the rear elevation of the proposed dwelling are at ground floor level. As such boundary treatment would be sufficient enough to protect the privacy of neighbours from overlooking issues from these windows. No roof lights are proposed on the 'granny annex', which is in line with the nearest dwelling on Imperial Court. The first floor rooms of the main part of the dwelling would have roof lights; however these would not look directly into the properties on Imperial Court due to position of the proposed dwelling. In addition, the roof lights only serve en-suites, a bathroom, landing and a walk in wardrobe. These could be obscurely glazed if required to reduce the impact. Taking the above into account, it is not considered there would be a significant issue of overlooking.

Visual Impact

With regards the visual impact, the site backs on to the rear of surrounding dwellings and would not significantly impact on their setting from public vantage points. The front of the site however is prominent in the street scene as it is open to the road and at a raised level. The design of the dwelling is considered acceptable and the visual impact on the street scene would also be acceptable. Notwithstanding this, the plans propose a 1.8m high timber boarded fence along the front of the site. It is considered that this would not be an appropriate form of boundary treatment in this location due to its height and materials. Details of an acceptable form of boundary treatment, such as a low masonry wall with railings or a hedge, could be provided by a suitably worded condition if permission were to be granted. Therefore, in terms of the impact on the character and appearance of the area, the proposed dwelling would be acceptable.

Parking and Access

Three parking spaces are provided. It is considered this is sufficient space for the proposed dwelling. No objection has been raised by the Transportation Section and the issue is considered 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:

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle, amenities of nearby residential properties, its visual impact and parking and highway safety (Policies AW1, AW2, AW5, AW6 and Policy NSA12).

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. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed 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.

4. Building operations shall not be commenced until a sample of the stone, render and slate 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.

5. The proposed 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. 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.

6. Notwithstanding the submitted plans and before any works start on site, existing and proposed levels (including relevant sections) shall be 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 protect residential and visual amenity in accordance with policies AW5 and AW6 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 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.

9. Notwithstanding the submitted plans 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 dwelling hereby approved is occupied. Development shall be carried out in accordance with the approved details.

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.

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

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. 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.

12. Prior to occupation of the dwellings hereby permitted the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan 13/09/02 and approved by the Local Planning Authority. The parking and turning areas shall not thereafter be

used for any purpose other than the parking and turning of vehicles.

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

13. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4 metre x site frontage vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety.

14. No obstruction or planting when mature, exceeding 0.9 metres in height shall be placed within the required vision splay areas.

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

15. 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 over capacity of the existing highway drainage system and potential flooding in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To prevent debris and mud from being deposited onto the public highway, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. 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.

18. 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.

19. 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.

20. 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.

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APPLICATION NO: 13/1063/10 (LE)
APPLICANT: Mr D Willis
DEVELOPMENT: Construction of 1 pair of semi detached dwellings (consisting of two, 3 bedroom properties).
LOCATION: LAND ADJACENT TO 49 GWERNLLWYN TERRACE, TYLORSTOWN, FERNDAL, CF43 3DP.
DATE REGISTERED: 28/10/2013
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Approve

REASONS:

The application is considered to accord with the requirements of the Local Development Plan, representing an appropriate form of residential development within the settlement limits of Tylorstown. 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 adjacent to 49 Gwernllwyn Terrace, Tylorstown. The dwellings would be set back into the plot with a typical two-storey design. The properties would have a pitched apex roof style, extending to a height of 8.0 metres from ground level. Each dwelling would measure 5.5 metres in width with a depth of 8.2 metres. The dwellings would have rendered elevations and tiled roofs. Each dwelling would accommodate three bedrooms and a bathroom at first floor level. At ground floor level, the buildings would accommodate a kitchen/dining room, living room, small w.c and access hallway. A small single storey addition would be erected to the rear of each property measuring 3.3 metres by 3.2 metres. The addition would accommodate a sun room.

The proposed dwellings would face north toward the vehicular highway fronting the site. Following the submission of amended plans the dwellings would be set on a comparable building line to the adjacent, terraced properties situated to the east. It is indicated that off street parking areas would be created alongside each dwelling. Given the sloping topography of the application site, the scheme includes the erection of a retaining wall, approximately 4.0 metres high to the rear of the site. Enclosed rear garden areas would be created behind each building.

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

SITE APPRAISAL

The application site is a broadly rectangular shaped sloping plot measuring approximately 500m². The site predominantly consists of unmaintained grassland and planting, rising steadily from front to back. The adjoining land comprises the vehicle and pedestrian highway known as Gwernllwyn Terrace that fronts the site. To the eastern side of the site is the blank, side elevation of an end of terrace property (no. 49 Gwernllwyn Terrace). A high retaining wall is erected to the rear of the adjacent property. To the rear and western side boundaries of the plot is open mountainside. The historic Ordnance Survey for the area highlights the plot was previously occupied by three terraced properties.

PLANNING HISTORY (post 1974)

91/0735	Former 50 - 53 Gwernllwyn Terrace	Erection of a Bungalow	Granted 02/12/91
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PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. No representations or objections have been received.

CONSULTATION

Transportation Section - raise no objections.

Public Health and Protection - raise no objections.

Land Reclamation and Engineering - raise no objections. It is highlighted limited information has been submitted in relation to the drainage of the development and conditions are suggested accordingly to control the detailed drainage of the site.

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

Structural Engineer - raise no objections.

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 Tylorstown. The application site is situated on a vacant plot that is abutted by an end of terrace residential property. The site was previously occupied by three terraced dwellings and is situated within the settlement boundary. The planning history for the site also highlights permission was previously granted for residential development on the site. 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 plot, directly adjacent to an existing terraced dwelling with open mountainside flanking the rear and western side of the plot. The proposed dwellings would have a similar layout and orientation to the adjacent, terraced properties, being recessed into the site by approximately 2.0 metres with the principal front elevations facing toward the highway fronting the site. Following the submission of amended plans, the window fenestration broadly follows the size and style of neighbouring properties and it is not considered the proposal would form an overly jarring or inharmonious addition to the existing street scene. A cement rendered finish is considered appropriate for the development with adjacent properties benefiting from a variety of rendered or dashed elevations. Although the proposal requires the construction of a significant retaining wall and the undertaking of engineering works to accommodate the development, the retaining wall would be sited to the rear of the dwellings and therefore would not form an overly visible or

prominent feature. High, rear retaining walls are also a feature of the existing terraced street given the sloping topography of the locality. The existing overgrown and unmaintained plot also has no significant visual or amenity value that would be lost as a result of such development, with further open mountainside flanking the west of the site. 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 predominantly alongside the blank side elevation of the end of terrace property (no. 49) that flanks the site. A side, vehicle hardstanding area would also offset the buildings from the nearest residential property with no habitable room windows, only a small, obscured bathroom (w.c) window being proposed within the side elevations of the dwellings. The relationship between the new dwellings and the end of terrace property would be similar to the existing relationship between neighbouring properties in the area and no objections have been raised against the planning application following the neighbour consultation process. Given that open mountainside also abuts the rear and western side of the site, the proposal is considered acceptable in terms of its impact on neighbouring residential amenities.

Access and highway safety

In terms of highway safety considerations, the proposal would create an access to each property from the highway fronting the site with parking areas for up to three vehicles (per dwelling) being created alongside each building. The Council's Transportation Section has considered the proposal and has raised no objection. It is commented that the means of vehicle and pedestrian access, and parking provision is satisfactory. Conditions are suggested to ensure: parking spaces are retained at the site, the satisfactory provision of two vehicle crossovers, appropriate drainage of the site and to ensure wheel washing facilities are implemented during the construction phase of the development.

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

Comments of the relevant drainage bodies in relation to the provision of additional drainage details are acknowledged, although it is considered the submission of comprehensive drainage details for such a proposal can be appropriately controlled by means of condition. It is also further acknowledged that following consultation with

the Council's Public Health and Protection Division 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 residential development within the settlement limits of Tylorstown. 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 26/11/2013.

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 AW 5 and AW 6 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 Policy 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 Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, prior to the commencement of development, full details (including external finishes and exact siting) 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. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted site layout plan and approved in writing by the Local Planning Authority. The area shall not thereafter be used for any other purpose other than the parking of vehicles.

Reason: In the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the development being brought into use, 2 no. vehicular footway crossings 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 AW 5 of the Rhondda Cynon Taf Local Development Plan.

12. 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 in accordance with Policy AW 10 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 in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

14. Details of the proposed levels of the ground floors and driveways in relation to the existing ground level and the finished level of the site shall be submitted to and approved by the Local Planning Authority prior to commencement of work on site and implemented in accordance with this consent.

Reason: Full details are not included with the application and are required

to ensure that the approved scheme will be visually attractive in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

15. 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.

16. 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.

17. Prior to the occupation 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.

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

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APPLICATION NO:	13/1099/10	(EL)
APPLICANT:	Ms P Hicks	
DEVELOPMENT:	Diversion of Watercourse and Extension of Garden	
LOCATION:	1 DAN Y TWYN, BLACK ROAD, UPPER CHURCH VILLAGE, PONTYPRIDD, CF37 1PR	
DATE REGISTERED:	05/11/2013	
ELECTORAL DIVISION:	Llantwit Fardre	

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposed extension to residential curtilage and associated diversion of the watercourse is acceptable in land drainage terms and would not increase flood risk in the vicinity of the site. The complete scheme is considered acceptable in terms of its impact upon the flood risk, the character and appearance of the area and upon residential amenity.

APPLICATION DETAILS

Full planning permission is sought for the change of use of a parcel of land to a private residential garden and the diversion of a section of watercourse at 1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd. The application is made partially in retrospect with the garden curtilage having already been partially extended.

The application is submitted following the refusal of an earlier scheme at the site, which sought permission (in retrospect), for the culverting of the watercourse. As such, the current application seeks to overcome the earlier reasons for refusal.

The change of use relates to a parcel of land, which runs along the south eastern boundary of the site. The plans, which accompany the application, illustrate that the parcel of land measures approximately 11.5 metres in width and spans the depth of the plot at approximately 37.0 metres in length. The first 5.5 metres (in width) of the ground in question is level and forms an extension to the existing established garden, which is located to the side and rear of the property. This area of land has been turfed and is in use as a lawn. The perimeter of the site is defined by low-level wooden fencing. The remaining 6.0 metre (wide) linear parcel of land appears as

part of the adjoining field. It is proposed that the diverted watercourse be constructed within this area. The south eastern boundary of the land parcel has been defined by a stock proof fence.

An open watercourse previously crossed the application site, running in a north east to south westerly direction. The culverting of this watercourse was refused under the earlier application (ref. no. 13/0582). Therefore, with a view to reducing the potential for flood risk, the current submission proposes the sealing off of the culvert at both ends and the diversion of the watercourse. This would take the form of the re-instatement of an open watercourse channel along the south eastern extent of the site. The diverted watercourse would be accommodated within the extended garden curtilage. The proposed watercourse channel would extend to a depth of 1.3 metres, with graded embankments. At its north eastern point, the channel would connect with the existing open watercourse and at its south western would connect with the existing culvert inlet (at the point where the watercourse is culverted under the highway). At this point it is also proposed that a formal headwall at the highway culvert inlet be constructed.

SITE APPRAISAL

The application site consists of the property known as 1 Dan-y-Twyn, its established residential curtilage and a parcel of land, which adjoins its south eastern boundary. The application property is a semi-detached dwelling, with garden areas located to the side and rear. The site is located in an area of open countryside, being accessed off Black Road. This road connects Upper Church Village with Pen-y-coedcae to the north. It is understood that the south eastern boundary was previously defined by a mature hedgerow, however this has been removed to enable the development in question. The line of the original open watercourse, which feeds the recently constructed culvert is visible beyond the north eastern extent of the site, so too is the inlet for the highway culvert (which runs under Black Road).

PLANNING HISTORY

13/0582/10	1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd	Culverting of water course and change of use of land into curtilage of house	Refused 01/08/13
12/0455	1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd	Improvement works to front retaining wall and adjacent areas, and extension of residential curtilage.	Granted with Conditions 08/01/13
11/0107	1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd	Double garage, balcony and amendment to existing vehicular access (amended plans received 18/04/2011)	Granted with Conditions 16/05/11

06/0346	1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd	Single storey extension	Granted with Conditions 10/05/06
78/1835	1 Dan Y Twyn, Black Road, Upper Church Village, Pontypridd	Erection of loose boxes & store	Granted with Conditions 30/10/78

PUBLICITY

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

The first letter comments that:

- An objection to the application is raised, as it is commented that they have a vested interest in number 2 Dan-y-Twyn. Being a Chartered Surveyor, they also have experience in the water industry, managing flood mitigation schemes.
- There has been a catalogue of events, involving breaches to the Town and Country Planning Act, resulting in remedy through retrospective planning applications.
- Reference is made to the Land Drainage Act 1991 and Flood and Water Management Act 2010, whereby local authorities took on responsibilities from the Environment Agency Wales in relation to Ordinary Watercourse Consent.
- Reference is also made to Planning Policy Guidance 25: Development and Flood Risk, which identifies flooding as a material planning consideration.
- Specific reference is made to Section 23 of the Land Drainage Act 1991, which refers to the erection of a culvert in a watercourse.
- It is commented that both properties have been subject to land drainage flooding issues over the years and are presently at risk of flooding.

The letter of representation summarises the key concerns as follows:

- It is commented that the watercourse should never have been culverted and it is requested that the applicant be required to remove it and re-instate the open watercourse.
- It is commented that the watercourse (the subject of the application) assists a multitude of flood mitigation resulting from land drainage issues surrounding the two properties. It is commented that they are aware of two culverts, which feed into it that support land drainage of the adjacent fields, together with the surface water feeds from both 1 and 2 Dan-y-Twyn. Questions are raised as to how this discharge into the watercourse will be accommodated.
- It is commented that the development will increase flood risk elsewhere, including to both 1 and 2 Dan-y-Twyn. It is commented that the surface water connection from number 2 has been capped off, causing flooding to their property.
- It is commented that a legal case is on going, with respect to trespass and the cutting down of mature trees on their land. It is also commented that there were previously mature trees on the application site and Council owned land, which the applicants have cut down.

- It is commented that the development site is clearly visible from the public road, footpath and other public and private land; and has caused dramatic detriment to the area by the loss of trees. It is commented that the applicant's property is out of character with the rural landscape.
- Reference is made to the fact that the design statement; which accompanies the application, includes a caveat that the ditch is kept free from debris, excessive vegetation and other obstructions. Concerns are expressed that the applicants will not meet these requirements.
- It is commented that the outlet into the highway culvert needs improving.
- Reference is made to instances where water has flowed onto the highway, and has become icy in bad weather. It is suggested that the proposal would exacerbate the risk of ice to the public highway from high flows.
- Concerns are raised that matters of health and safety have not been adequately considered given the depth of the ditch at 1.3 metres. Necessary measures will be required to prevent children / walkers and animals from entering the watercourse.
- Questions are raised with reference to how the watercourse will be accessed to undertake maintenance and / or deal with emergencies.
- It is commented that the applicants have engaged contractors with no knowledge or experience of this type of work, with the culverting works undertaken to date being evidence of this fact.
- It is commented that the works will involve access onto their land and they will not permit such access.
- It is commented that the biodiversity interest in the area is significant and that matters of ecology have not been given adequate consideration.
- Questions are raised with regard to the adequacy of the supporting information and reports. It is suggested that the consultants, who prepared the submission, do not fully appreciate the true extent of flooding and surface water discharging into the watercourse.

The second letter has been received from the owners of number 2 Dan-y-Twyn. Many of the points set out above are re-iterated in addition to the following issues;

- They comment that the property has been in their family for close to a hundred years, with their family having previously farmed surrounding land.
- They comment that the recent works undertaken represent an uncaring, destructive approach to the rural environment.
- It is commented that the site is in a rural location, where houses should compliment the area; however this is not the case of the works that have been undertaken at the application site.
- It is commented that, as a result of the works they now live in fear of flooding.
- It is commented that the original watercourse served its purpose for over a hundred years and the applicants should never have been allowed to destroy it. Questions are asked as to why enforcement action has not been taken to reconstruct the original watercourse.
- It is commented that their property has flooded many times in their lifetime.

- The applicants have never consulted with them on any of the works.
- Surface run-off from Ty'r Person Farm is considerable and has caused flooding in the past.
- The development is well exposed to public view and will only attract unwanted attention.
- The proposed development will put people at risk and regardless of the fence, they foresee a fatal accident.
- It is commented that their garden will run parallel to a part of the development and this will be put at risk as a result of the development. It is commented that they have young children and animals and these will now be placed at risk as a result of the development. It is commented that the amenity value of their garden would be compromised.
- It is commented that incidents of theft and anti-social behaviour have increased since their neighbours developments.

CONSULTATION

Land Reclamation and Drainage – no objections raised.

Countryside, Landscape & Ecology - no objections raised.

Transportation Section – no objections raised.

Natural Resources Wales - no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside of the defined settlement limits and in a sandstone resources safeguarding area.

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.

AW10 refers to Environmental Protection and Public Health. Development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity, due to amongst other factors, water pollution and flooding.

AW14 seeks to safeguard sandstone resources from development.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 5 (Conserving and Improving Natural Heritage and the Coast) and 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 15: Development and Flood Risk;

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

As set out above, this application comprises two elements, the first being the extension to the residential curtilage of the property and the second being the works to the watercourse.

With respect to the change of use of the land, the key considerations in determining this element of the application are the impact of the development on the character and appearance of the immediate area and the impact of the development on the amenity and privacy of the occupiers of adjacent residential properties.

With respect to the works to the watercourse, the key considerations are the impact of the works upon flood risk in the vicinity of the site, and upon ecology and nature conservation.

Extension to residential curtilage

The land, which is the subject of this planning application, was formerly part of the adjoining agricultural field. The current application seeks (partially in retrospect) to utilise the land as an extended residential curtilage. It is worthwhile noting that the extended curtilage is formed by two separate parcels, which lie parallel to one another. The first of these linear parcels forms an enlarged garden. At the time of the site inspection the works to this portion of the site were substantially complete; as such the land appeared as an integrated part of the established residential curtilage, being at the same ground level and turfed as a lawn.

The second linear parcel, at present still appears as part of the agricultural field, albeit that its boundary is defined by a stock-proof post and wire fence. It is proposed that the open channel, which forms part of the watercourse diversion, would be constructed within this area. The works to the watercourse are considered in greater detail in the following section.

In visual terms, the extension to garden curtilage appears acceptable; the additional parcels of land extend to an area of approximately 425m² and immediately adjoin the south eastern site boundary. It is understood that a mature hedgerow previously defined the south eastern boundary and this has been removed in order to enable the garden curtilage extension. Whilst this loss is regrettable; it is not considered that the removal of this feature in itself, represents a reason for the refusal of the application. The new site boundary for the garden area has been defined by the use of wooden fencing, however, its scale is considered appropriate, being a low -level enclosure. Similarly the use of stock-proof fencing to define and enclose the area that would accommodate the diverted watercourse is considered appropriate. As such, it is not considered that the extension to garden curtilage alone, is harmful to either the character or appearance of the area or the amenities of neighbouring residents.

Works to the Watercourse

In assessing the proposed works to the watercourse, consideration must also be given to the background of the current submission. As set out in the planning history above, a retrospective planning application for the retention of culverting works at the site was submitted in June 2013. Following an assessment of this scheme, the application was refused planning permission, on the grounds that the works unacceptably increased flood risk in the vicinity of the site. Following the refusal of this application, with a view to addressing the concerns identified, the applicant engaged in discussions with the Council's Land Drainage Section and appointed drainage consultants, in order to develop a solution that would reduce the risk of flooding to both the application property and neighbouring land.

The current submission illustrates the capping off of the existing culvert and the re-instatement of an open watercourse, albeit in a diverted position. The proposed channel would connect with the existing open watercourse at the north eastern extent of the site and would follow the line of the south eastern boundary. It would then reconnect with an existing culvert that takes the watercourse under the highway that fronts the site (Black Road).

Drainage and Flood Risk

In order to aid in the assessment of the works upon potential flood risk, consultation has been undertaken with the Council's Land Reclamation and Drainage Section. Their assessment confirms that the current submission responds to the areas of concern identified through the course of the earlier application. The existing culvert would be entirely stopped up, thereby removing the risks associated with its capacity, structural integrity and potential to become blocked. The uncompacted backfill used to bed the culvert currently has the capability to convey flow, however this would be addressed by the installation of gabion baskets at the location of the culverts inlet and outlet. The current scheme represents the re-introduction of an open ditch watercourse. Whilst it is acknowledged that this would occupy a different position to that of the original watercourse, it is not considered that the proposed

route would be significantly different, connecting with the existing watercourse at the north eastern extent of the site and the existing highway culvert at the road. It is also noted that the application is accompanied by technical design drawings for the construction and 'watercourse flow design checks' prepared by Vale Consultancy Civil and Structural Engineers. Having assessed this information, the Council's Land Drainage Section have confirmed that sufficient information has been provided to demonstrate that the current proposal would not adversely impact upon flood risk issues in the immediate area. As such, no objections have been raised, and the development is considered to be acceptable in land drainage and flood risk terms.

Landscape and Ecology

In the assessment of works to watercourses, it is necessary to consider the potential impacts upon its ecological value; as such consultation has been undertaken with the Council's Ecologist. No formal ecological objections were raised to the earlier planning application, which involved culverting works. Whilst it was acknowledged that the culverting of the watercourse may have resulted in some localised ecological impacts, no evidence was available to suggest that a significant adverse impact had been caused by the works. However, the current submission represents the capping-off of the culvert and the re-instatement of an unlined field drain, which is considered preferential in ecological terms.

Their response notes that the watercourse (open sections of which are still visible to the north east) appears to drain from wetland habitat on the hillside above; however it is commented that it is clear this watercourse would not be used by fish. Nevertheless, their comments recommend that the anti-personnel screen, which forms part of the new culvert headwall be excluded from the scheme. A condition to this effect is recommended.

It is noted that an existing mature tree lies close to the line of the proposed watercourse, however the layout plan provided by the application indicates that this would be retained. In order to ensure the retention of this tree, a condition is recommended, which would ensure the protection of the root zone during construction. Overall, no objections have been raised by the Council's Countryside Section.

Character and Appearance

As set out above, the proposed channel would be developed on a parcel of land, which previously formed part of the adjoining agricultural field. It is acknowledged that the development of the proposed drainage channel would alter the physical character of the land parcel concerned, by the excavation of an open ditch across the length of the site. However, on balance, it is not considered that the development of this feature would impact upon the character and appearance of the area, to such a degree that would warrant the refusal of the planning application. This is particularly the case, since an open watercourse previously existed on the

adjacent land parcel. Overall it is not considered that the proposal would result in significant harm to the character and appearance of the area.

OTHER ISSUES

Representations from adjoining occupiers.

Following the publicity of the planning application, two letters of representation were received in response to the application proposal. Whilst these are summarised in full above, the following section responds to some of the key points raised.

The letters express concern that surface water discharge from their property (no.2) previously drained to the original watercourse, but this has now been stopped up by the applicants, causing flooding to number 2. Following consultation with the Council's Drainage Section, it is understood that the connection in question served as an overflow to the septic tank at number 2. It understood that, whilst this may have been an historic connection, it was not consented by Natural Resources Wales. Copies of correspondence from Natural Resources Wales confirm that they will not permit the discharge of untreated sewage effluent to the environment; but sets out a number of alternative options to deal with the matter. As such, the capping off of this connection is not considered to warrant the refusal of this planning application.

They comment that the design statement includes a caveat that on-going maintenance will be required to keep the ditch clear and free from debris and enquire whose responsibility this would be. The Council's Land Drainage Section have confirmed that the requirement for the maintenance of a watercourse is the responsibility of the riparian owner. In this case, as the applicant owns the watercourse (and the land upon which it is located), they will be required to do this. It is considered that access to the watercourse would be facilitated by the removal of a small section of fence; furthermore, there is sufficient distance between the fence line and the top of the embankment to allow access for a mini digger (or similar) to undertake any maintenance works which may arise over time.

The neighbour also refers to an existing problem of water discharge onto the highway and comments that the outlet into the highway culvert needs improving. It must be first be noted that any discharge of water onto the highway occurs as a result of the lack of capacity within the existing highway culvert and is not as a result of the works undertaken by the applicant. Furthermore, the Council's Drainage Section confirm that the proposed drainage works would not exacerbate this issue. With respect to the condition of the highway culvert inlet, it is important to note that the highway culvert is not situated on the land owned by the applicant and does not form part of the application. Nevertheless, the applicant has indicated, as a gesture of good will, a willingness to construct a formal headwall structure. This feature has been submitted as part of the application and its addition represents betterment in drainage terms.

Matters of Health & Safety are also raised in the representations from adjoining occupiers, in particular what measures are in place to prevent walkers, children or animals from entering the watercourse. In response to this point, it is noted that the plans illustrate the provision of stock proof enclosures either side of the watercourse, to the south eastern side, which bounds the adjacent agricultural land, the enclosure would be off-set from the top of the bank by approximately 3.0 metres. Having consulted with the Council's Land Drainage Section it is considered that this means of enclosure is sufficient to clearly define and enclose the extent of the land that is associated with the diverted watercourse, to prevent any walkers or animals from accidentally straying into this area. It is also worthwhile noting that since the watercourse would be constructed on private land, owned by the applicants any person entering this fenced off area would be trespassing.

The adjacent residents also express concern that the development would compromise the levels of amenity that they enjoy, by restricting their ability to freely use their garden, as a result of the increased risks presented by the proposal. Whilst it is noted that a proportion of the open watercourse would run close to the rear property boundary of number 2, this appears to form part of the original (existing) open watercourse. The diverted route, as proposed, would run along the south eastern boundary of number 1, being off-set from number 2, and enclosed within private land. It must also be noted again, that an open watercourse previously existed in a similar location, taking a similar route. Therefore, with the Council's Land Drainage Section confirming that the proposal would not increase flood risk, it is not considered that the proposal would adversely impact upon the levels of amenity enjoyed by neighbouring occupiers, that would warrant the refusal of the planning application.

Conclusion

Having taken account of all of the issues outlined above, it is considered that the current submission presents an opportunity to deal with the potential flood risk issues which have resulted from earlier culverting works at the site. The current submission proposes the stopping-up of the culvert that is currently on site and the re-instatement of an open channel watercourse, albeit in a slightly different location to that which previously existed. It is also worthwhile noting that the application presents the opportunity for some improvement to the existing highway culvert, by the provision of a formal headwall construction. As such, having assessed the scheme no objections have been raised by the Council's Land Drainage Section; with their response confirming that the submission demonstrates that the development would not adversely impact upon flood risk in the immediate area. Therefore, the scheme is considered acceptable in terms of its impact upon the flood risk, the character and appearance of the area and upon residential amenity. 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. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree, unless agreed otherwise in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

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

3. Notwithstanding the approved plans, the anti-personnel screen detailed as Note 7 on the concrete headwall detail drawing no. 3451-01 Rev.C. is not approved as part of this permission.

Reason: In the interests of ecology, in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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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

19 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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