

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
20 FEBRUARY 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

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

Pontypridd.

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

APPLICATIONS RECOMMENDED FOR APPROVAL

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

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

REASONS:

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

APPLICATION DETAILS

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

The application is accompanied by –

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

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

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

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

SITE APPRAISAL

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

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

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

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

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

PLANNING HISTORY

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

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

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

CONSULTATION

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

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

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

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

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

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

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

Policy SSA24 - identifies the site for land reclamation.

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

National Guidance

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

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

Chapter 4 Planning for Sustainability; and

Chapter 6 Conserving the Historic Environment

Chapter 13 Minimising and Managing Environmental Risks and Pollution.

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

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

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

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

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

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

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

Other Issues

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

Conclusion

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

RECOMMENDATION: Grant

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

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

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

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

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

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

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

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

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

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

6. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

REASONS

The proposal is considered acceptable in principle.

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

APPLICATION DETAILS

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

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

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

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

The application is accompanied by:

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

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

SITE APPRAISAL

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

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

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

PLANNING HISTORY

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

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

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

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

CONSULTATION

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

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

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

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

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

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

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

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

Policy CS4 – Housing Requirements.

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

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

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

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Planning Policy Wales

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

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

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

Other relevant policy guidance consulted:

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

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

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

Principle of development

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

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

Character and Appearance of the Area

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

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

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

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

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

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

Residential Amenity

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

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

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

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

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

Highway Safety

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

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

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

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

PLANNING OBLIGATIONS

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

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

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

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

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

The Section 106 requirements in this case

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

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

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

Conclusion

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

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

RECOMMENDATION: Grant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

Development Plan.

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

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

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

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

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

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

SITE APPRAISAL

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

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

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

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

PLANNING HISTORY

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

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

Objector

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

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

Supporters

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

CONSULTATION

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

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

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy AW2 - supports development in sustainable locations.

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

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

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

National Guidance

Planning Policy Wales:

Chapter 4 – Planning for Sustainability

Chapter 11 – Tourism, Sport and Recreation

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

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

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

Technical Advice Note (TAN) 11: Noise

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

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

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

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

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

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

Impact on neighbouring properties

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

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

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

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

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

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

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

Effect on the visual amenity of the area

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

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

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

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

Drainage issues

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

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

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

Highway safety

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

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

Conclusion

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

RECOMMENDATION: Grant

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

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

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

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

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

otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

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

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

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

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

SITE APPRAISAL

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

PLANNING HISTORY

92/0027/10	Kitchen and Bedroom Extension	Granted
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PUBLICITY

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

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

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

CONSULTATION

Building Control – no objection.

No other representations have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

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

Impact on the character and appearance of the area

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

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

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

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

Impact on residential amenity and privacy

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

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

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

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

Conclusion

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

RECOMMENDATION: Grant

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

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

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

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

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

RECOMMENDATION: Approve subject to conditions

REASONS:

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

APPLICATION DETAILS

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

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

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

SITE APPRAISAL

The application site is a parcel of land that extends to an area of approximately 490m². The site, which consists of level ground, is currently vacant with the former library building having already been demolished. Its north eastern boundary is currently defined by palisade fencing. The site is situated within a small group of commercial and community uses. To the north east is the health centre and a pharmacy, to the south west is Taffs Well Community Hall and to the north is a commercial garage. To the south east, the rear of the residential terrace of Garth Street is visible. Access to the site is gained via a lane that connects with Cardiff Road to the south west. Cardiff Road is the main road through the village of Taffs Well.

PLANNING HISTORY

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

PUBLICITY

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

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

An objection is raised to the planning application.

- It is commented that they are currently in contact with the Council's Legal and Property Officers on the subject of whether the sale of the land by the Council for private development amounted to an illegal transaction, as the land in question is subject to charitable trusts.
- In addition to this they also claim that, in accordance with the charitable trusts, the area of land in question should be devoted to the benefit of the public in Taffs Well, being located between the Welfare Hall and Health Centre.
- It is commented that the use of the site as an office would not represent a public use.
- It is asked that the planning application be deferred until the dispute in question has been resolved.

- The remaining letters comment on the means of access to the site.
- It is commented that the lane, which serves the site is jointly owned by the medical centre and Halfway Garage. It is commented that neither party has been contacted by the applicant with regard to any rights of access to the site. It is claimed that the applicant would need authorisation from the landowners to use the access road.
- It is noted that the medical centre requires access for emergency vehicles during opening hours.
- It is noted that people already park on the access road, without permission, causing problems for the garage and medical centre.
- It is commented that the road is always busy and is ill-equipped to deal with any additional traffic flows.

CONSULTATION

Transportation Section – no objections raised, subject to conditions.

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

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

Welsh Water – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits

Policy AW2 promotes development in sustainable locations.

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

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

Policy SSA13 sets out the criteria for development within settlement boundaries.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

The application site lies within settlement limits and within a small-established group of buildings that provide a mix of community and commercial facilities. The proposal seeks to develop an office building on a parcel of land that is currently vacant, but was previously occupied by a library building. Given the sites position, it is considered that in principle the proposal is acceptable, subject to assessment of the following criteria;

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

Character and Appearance

The application seeks to develop a Class B1 office building on the site. The building would be occupied by an existing company 'Ambassador Fire & Security Ltd.'. This company currently rent office space, but having outgrown their existing office, they are looking to develop a purpose built space that will suit their operational needs. The proposed building is a two-storey construction, with a gable feature to its front

elevation. Whilst the development site is situated within a group of established buildings, there is no over-riding architectural style amongst the constructions, with a mix of single and two storey buildings, constructed in combinations of facing brickwork and render.

In terms of its siting, the building would occupy a position comparable to that of the former library, being adjacent to the north east site boundary. Whilst it is acknowledged that the proposed building would be a large construction, it would occupy a footprint smaller than that of the library, which formerly stood on the site. Similarly, the building, which it would sit closest to, is the community hall, which is also a two-storey construction. Given the relationship of the two, it is considered that views of the proposal from Cardiff Road (the main road through the village) would be largely obscured, thereby limiting its impact in the streetscene. Overall, it is considered that the scale and proportions of the building proposed are appropriate and its uncomplicated design would ensure that the building would not appear overly prominent in the street scene. As such, it is not considered that the development would adversely impact upon the character and appearance of the area and is therefore in accordance with the requirements policies AW5 and AW6.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response identifies that access to the site is gained via an unadopted lane which connects with Cardiff Road. Whilst it is noted that the access does not benefit from any segregated footway facilities, it is acknowledged that this is an existing arrangement and the former library would have been served by the same access arrangements.

In terms of parking provision, it is noted that the Council's Supplementary Planning Guidance suggests that a use of this type would require between 7 – 9 spaces. However, it is acknowledged that due to site constraints it is not possible to accommodate this number of parking bays, without the use of a tandem arrangement. As such, the current submission illustrates the provision of 5 no. car parking spaces, in addition to 3 no. bicycle parking spaces, within the curtilage of the site. Having assessed this parking layout, the Transportation Section have confirmed that this arrangement is acceptable, on the basis that the development site is situated in a sustainable location, with good access to public transport links (rail and bus).

It is noted that concerns have been raised by the adjoining land owners (medical centre and garage), who comment that the road is already busy and that they require clear access to their sites at all times. The points raised are acknowledged; however, it must first be noted that the proposed siting of the building would not obstruct or compromise the means of access to the medical centre or garage. Similarly, consideration must also be given to previous use of the site as a library. It is considered that the traffic movements associated with a public building, such as a

library, may actually be greater than that of a Class B1 office, which is not open to the general public.

It is noted that the adjoining occupiers (medical centre and garage) have also indicated that they own and control the access road, which connects the application site to Cardiff Road. Furthermore, they indicate that the applicant has not approached either owner, with a view to securing permission to use this route. Whilst this point is noted, issues relating to land ownership are private matters and as such, do not form material planning considerations. Nevertheless, it is noted that should Members be minded to approve planning permission, then this would not over-ride the rights of the landowner; and the applicant would still be required to enter into discussions with the parties concerned, outside of the planning process, to resolve the matter.

As such, taking account the former use of the site and its sustainable location, on balance, the Council's Transportation Section have raised no objections to the scheme, and the proposal is considered acceptable in highway safety terms.

Residential amenity

As set out above, the property is located within an established group of commercial and community uses. However, it is acknowledged that a number of residential properties are located in the vicinity of the site, with dwellings located on Garth Street to the south and Cardiff Road to the west. Having assessed the relationship of the proposed building with that of nearby residential properties, it is noted that a separation distance in the region of 24.0 metres would be observed between the south east side elevation of the building and the rear of the properties on Garth Street. It is also noted that no windows are proposed at first floor level to this elevation. Similarly separation distances in the region of 34.0 metres would be achieved between the proposed building and the closest property fronting Cardiff Road. As such, it is not considered that the re-development of the site would adversely impact upon either the levels of privacy or amenity currently enjoyed by neighbouring residents. Therefore, the proposal is considered acceptable in this regard.

OTHER ISSUES

Legal matters relating to charitable trusts

Following the advertisement of the planning application, a letter of representation has been received from a Solicitor acting on behalf of Taffs Well Village Hall Charitable Trust. Their letter raises an objection to the current application, on the basis that the site is subject to certain legal restrictions.

Their letter claims that the site is subject to charitable trusts, which requires that the land in question should be devoted to the benefit of the public in Taffs Well. They

believe that the current application, for a private business premises does not accord with the requirements of the charitable trusts, since it does not represent a public use. It must first be noted that legal matters of this type do not form material planning considerations. As such, this issue in itself does not constitute a determining factor in the consideration of this planning application.

However, it is worthwhile noting that this matter was raised directly with the Council's Corporate Estates Section, when the Council were handling the sale of the site. At this point, the Council's Legal Section took Counsel's advice on the matter. Their findings were that the site was not subject to charitable trusts and therefore the Council was free to dispose of the land.

On the basis of the above, it is not considered reasonable to defer the determination of the planning application.

Conclusion

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

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on 16/01/14 & 24/02/14.

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

3. The proposed parking areas shall be laid out as shown on the submitted layout plan, Drawing no.1827:01 dated 16/01/14 and constructed in permanent materials prior to beneficial occupation of the building. Thereafter, the parking areas shall be 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.

4. No Heavy Goods Vehicles movements shall take place to and from the site between the hours of 8:00-9:00am and 16:00 -17:00pm weekdays during the course of site preparation and construction works.

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

5. Surface water run-off from the proposed development shall not discharge into or connect to the public highway drainage system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent exceeding the capacity of the existing highway drainage system in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Wheel cleansing facilities shall be provided in accordance with details to be first agreed in writing with the Local Planning Authority and all lorries shall be suitably sheeted.

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

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

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

8. 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 found and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

10. The building hereby approved shall be used as an office under Class B1 only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the residential amenity and to define the extent of the permission granted in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

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

13. The building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 12) 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.

14. 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.

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO: 13/1228/10 (GW)
APPLICANT: Done Brothers (Cash Betting) Ltd
DEVELOPMENT: Change of use from Use Class A1 (Shops) to Use Class A2 (Financial and Professional Services)
LOCATION: BLOCKBUSTER VIDEO EXPRESS, 24 VICTORIA SQUARE, ABERDARE, CF44 7LB
DATE REGISTERED: 29/11/2013
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Grant

REASONS:

A change of use to an A2 use would bring a positive use back to the vacant premise and would add to footfall in the area. As a result it would add to the vitality of the retail area. There are no external changes proposed and there would be no significant impact on Aberdare town centre Conservation Area.

APPLICATION DETAILS

This application seeks a change of use from a shop (A1 Use Class) to financial and professional service use (A2 Use Class). The application details it would become a betting shop.

Opening hours proposed would be 08:00am to 22:00pm on Monday to Fridays, 08:00am to 20:00pm on Saturdays and 09:00 to 22:00 on Sundays and Bank Holidays.

The floor plan details a large customer area with various screens and gaming machines around the side walls. A counter would be located to the rear with toilets and staff kitchen. The plan indicates a display board would be located in the shop front area with a gaming machine behind.

The application is accompanied by the following:

- An Access Statement
- Planning Statement

SITE APPRAISAL

The site is a small shop unit (formerly Blockbuster Video), which is part of the shopping frontage on to Victoria Square. The site is also within the Aberdare Conservation Area, which covers a large part of the town centre. On one side of the premise is a public house and on the other side is a shop.

The unit itself has a relatively modern shop front with a fascia sign. There are two floors above the premise which can be accessed via an internal staircase. There are also external steps at the rear of the site. A 'To Let' board is located at first floor level on the front elevation.

PLANNING HISTORY

None.

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 'rr planning ltd' on behalf of clients who trade from nearby premises. The contents are summarised below:

- The proposal does not comply with the adopted development plan Policy NSA 19.
- With relation to part 1, out of a total frontage length of 77.5metres; 27m or 34.8% is currently A2/A3 uses. This already breaches NSA19. The proposal would take this percentage to 41.9% which is a significant breach and would set a harmful precedent.
- In relation to part 2 the proposal would result in 25m of continuous non-retail frontage to the detriment of this adopted designate primary shopping frontage.
- It would block the shop window so no 'active views' will be provided in and out. This would result in an inactive frontage in a key strategic location in the town. Therefore it wouldn't comply with parts 3, 4 and 5.
- It may prejudice the effective use of the upper floors.
- Property has only been vacant 6 months. An A1 use may be interested in this unit as the market picks up.

CONSULTATION

Natural Resources Wales - no objection. The developer should however be informed the site is within a flood risk area.

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

Transportation Section - no objection.

POLICY CONTEXT

The site is within the key settlement of Aberdare and the Town Centre Conservation Area.

Policy CS1 - sets out criteria for achieving strong sustainable communities.

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.

Policy AW7 – advises development proposals which impact upon sites of architectural and/or historic merit will only be permitted where it can be demonstrated

that the proposal would preserve or enhance the character and appearance of the site.

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

Policy NSA1 – provides criteria on development in Aberdare.

Policy NSA18 – identifies Aberdare as the principal town in the retail hierarchy in the north of Rhondda Cynon Taf.

Policy NSA19 – sets out criteria for retail development in principal towns.

Supplementary Planning Guidance:

The Historic Built Environment; and
Design in Town Centres

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 2 (Development Plans), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 10 (Planning for Retail and Town Centres) 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 4: Retailing and Town Centres;

PPW Technical Advice Note 12: Design;

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:

Principle of the proposed development

The site is a vacant shop in the main retail area of Aberdare. Members are advised policies in the Local Development Plan generally protect retail shops (A1 Use Class) from changes of uses. An objection has also been received from a planning consultant, on behalf of some local traders, which details the development would not comply with Policy NSA 19 and is detailed above. The following is an assessment of the relevant criteria of the policy, which allows some change of use.

Part 1 – This criterion refers to the whole primary retail frontage and not solely to the frontage which the application property lies as detailed by the objector. The proposal would increase the number of non A1 uses along the total primary frontage to 20% which would not be contrary to Policy NSA 19.

Part 2 – If permission is granted (from the objector's measurements) the proportion of A2/A3 frontage length would rise from 34.8% to 41.9% of the frontage length in this particular area. Members are advised the criterion requires that the change of use does not create an over-concentration of A2/A3 uses detracting from its established retail character. It should also be noted that of the 2 existing A3 units (in this frontage) one is vacant and has a long frontage length of 25.8% (of the total length) on its own. Furthermore, the change of use, in terms of the number of units, would only result in 3 A2/A3 uses compared to 7 A1 uses in this part of the shopping frontage. It is therefore considered that this mix would not detract, to an unacceptable degree, from the retail character of this section of the shopping frontage and that the length of A2/A3 uses detailed, on its own, would not warrant a refusal reason.

Part 3 – This requires the proposed use would provide a direct service to visiting members of the public and generate daytime and evening pedestrian activity. This type of use can be appropriate in shopping areas drawing people to the town centre and other retail and related uses.

Part 4 – This criterion requires that access to the upper floors is not prejudiced. Although the change of use relates to the ground floor area only the plans detail that an internal staircase would be removed and therefore internal access to the upper floors would not be maintained, which is highlighted by the objector. Members are advised the applicant has however detailed external access could be obtained to the first and second floors from the rear of the building. This would potentially allow the upper floors to be used for an ancillary use such as storage for a ground floor use. In addition access to the public highway to and from the rear of the building could still be made through the rear lane. Notwithstanding this, the current access to the premise is from the front of the property; however the stairs are at the rear of the building. This, as previously, would make it difficult to have a separate use on the ground floor and a separate use on the first/second floors both accessed via the front. This was presumably the same situation when Blockbuster was at the premise and the upper floors are not currently in use. Furthermore if the stairs were to be retained it is likely the upper floors would not be used as part of the proposal and

could remain vacant. Members are advised whilst an active use of the upper floors is encouraged the proposal would not change significantly the previous situation when Blockbuster was at the premise. In addition access could still be maintained to the upper floors from the rear of the building. Therefore it is not considered this issue on its own would warrant a refusal reason.

Part 5 - It is noted the shop front is not of high quality, however no physical changes are being proposed to the shop front as part of this application. The applicant has however clarified that an application for a new shop front would be submitted if permission were to be granted for the change of use. Furthermore, it is noted the plans indicate an internal division within the shop front area. The objector states this would result in the blocking of the shop front and an inactive frontage. Members are advised that this type of arrangement is common with this type of use and the detail provided by the applicant (see presentation slide) shows that views to the customer area could still be maintained. Therefore it is considered the proposal would not result in an inactive frontage.

In summing up these issues, although the proposal would result in a loss of an A1 unit the proposed use would return a vacant premise to a commercial use that is considered could have a positive impact on the vitality of the town centre. It is therefore considered the principle of the change of use would be acceptable.

Impact on the character and appearance of the area

The site is located within Aberdare town centre Conservation Area. No external alterations are proposed to the shop front. The proposal however shows an internal division in the shop front area. Concerns have been raised that this could have a detrimental visual impact. Notwithstanding this, details of the shop front display can be obtained by condition if permission were to be granted. Therefore it is considered there would be no significant impact on the character and appearance of the area or on the Town Centre Conservation Area.

Impact on residential amenity and privacy

The site is within a retail area where the type of coming and going of customers are expected. The proposed use in this location would therefore not result in a significant impact on the amenity of any surrounding residents. The opening hours proposed would be to relatively late in the evening, however due to its central location this would be acceptable and a condition restricting opening hours is not considered necessary.

Access and highway safety

The site is located within the retail centre of Aberdare and close to public transport links. There would be no significant impact on access or highway safety from the

proposed use as compared to the existing use. No objection has been raised by the Transportation Section. Therefore this issue would be acceptable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the proposed development, the impact on the character and appearance of the area, the impact on the amenities of nearby residential properties and the impact on access and highway safety (Policies AW2, AW5, AW6, AW7, NSA1 and NSA19).

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 premises shall only be used for a betting shop and for no other purpose within Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The site may not appropriate for other uses within Class A2, in the interest of visual amenity and the impact on the retail area in accordance with policies AW5, AW7 and NSA19 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall take place until details of the shop-front display have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and the impact on the retail area in accordance with policies AW5, AW7 and NSA19 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the first beneficial use hereby permitted the shop front shall be repaired in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies AW5, AW7 and NSA19 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/1260/10 (GW)
APPLICANT: Mr D M Lloyd
DEVELOPMENT: Construction of two dwellings.
LOCATION: YNYSYBWL YOUTH CENTRE, FFORDD GOWER
DAVIES, OFF NEW ROAD, YNYSYBWL,
PONTYPRIDD, CF37 3HA
DATE REGISTERED: 09/12/2013
ELECTORAL DIVISION: Ynysybwl

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 2 four bedroom detached dwellings. Members should note a previous application (11/0589) for three detached bungalows was granted on 1st August 2011.

The two dwellings would be arranged perpendicular to each other and would be the same size and design. Each property would measure a maximum of 12m in width, a maximum of 10.4m in depth and with a maximum height of 8.2m. The elevations would be finished in render and the roof would be covered with a reconstituted slate. Part of the site would be raised to provide a level area.

Vehicle access would be via an existing access from Ffordd Gower Davies. Boundary treatment is detailed as being a combination of the existing walls with and wooden boarded fencing approximately 1.8m in height.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The site was formerly occupied by Ynysybwl Youth Club, which was demolished prior to the submission of the previous application (11/0589).

Open space and a playground area are located to the north of the site whilst residential properties are located to the south, east and west of the site. A traditional terrace is to the east, detached bungalows to the south and a number of flats are located to the west in Gower Davies Court, at a higher level than the application site.

The application site is rectangular in shape and measures 46.8m in depth from the front to the rear of the site by 21.8m in width across the front of the site. The site is a mainly level area of land set at a higher level than the terrace to the east of the site.

PLANNING HISTORY

11/0589/10	Ynysybwl Youth Centre, New Road, Ynysybwl	Construction of 3 detached bungalows with garages.	Granted 01/08/2011
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PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. No letters of correspondence have been received.

CONSULTATION

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

Countryside, Landscape and Ecology – South East Wales Biodiversity records detail a bat roost at Gower Davies Court. If the application affects any existing building or trees further survey work could be required. At the very least an appropriate bat informative note would be required.

Glamorgan Gwent Archaeological Trust – if the original building was still on site a photographic record would be required as it would have had historical and cultural importance.

Land Reclamation and Engineering – no objection subject to conditions.

Natural Resources Wales – no objection.

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.

Wales & West Utilities – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy 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;

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 main impact would be on the rear of terraced dwellings located on New Road. The gable end of plot 2 (which has first floor windows serving 2 bedrooms) and the rear elevation of plot 1 would look towards the rear of the affected dwellings (which are also at a lower level to the site). The first floor windows of the side gable of plot 1 would also look towards the dwellings on the opposite side of Ffordd Gower Davies. These may result in some overlooking of the rear of the neighbouring properties.

There would however be a distance of 26m from the gable end of plot 2 and approximately 23m from plot 1 (which only has ground floor windows on the rear elevation) to the rear of the affected dwellings. The distance to the dwelling on the opposite side of Ffordd Gower Davies would be approximately 23m. It is considered although the site is raised, these distances would be sufficient to protect the neighbours from a significant loss of privacy. Members are also advised that no objections have been raised as a result of the public consultation exercise. Furthermore the height of the boundary treatment proposed would also help screen some views from ground floor windows.

Turning to the impact on sunlight, the main impact would be on the dwellings on New Road, which are to the east of the site. This would result in some impact on sunlight in the afternoon/evening time. Members are advised that the dwellings permitted in the previous permission (11/0589) would also have a similar impact. Furthermore, the rising topography of the land and trees to the west of the site would also themselves reduce sunlight during the late afternoon and evening. Therefore it is considered the proposal would not have a significant detrimental impact on sunlight.

Taking the above into account, it is considered the proposal would not result in a significant detrimental impact on the amenity of surrounding residents.

Visual Impact

With regards the visual impact the previous permission was for three bungalows. This proposal is for two storey dwellings (albeit the rear elevation due to its lack of first floor windows has the visual look of bungalows). The site is detached from the main surrounding street context and the design, size and scale of the dwellings would be acceptable. The proposed boundary treatment is mainly close boarded fencing as detailed in the previous permission (11/0589). No details have been provided for the boundary with Ffordd Gower Davies. It is considered a wooden boarded fence along this boundary would result in a poor visual impact and an alternative, such as a hedge, would be more appropriate. Details of this could be obtained 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 dwellings would be acceptable.

Parking and Access

Two parking spaces are provided for each dwelling and there would be space along the shared drive for further parking. It is considered this is sufficient space for the proposed dwellings and no objection has been raised by the Transportation Section. Therefore 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.

Ecology and Protected Species

The previous building on the site has been demolished and no trees on the site would be affected. No objection has been raised from the Countryside, Landscape and Ecology section subject to this. As such, it is considered there would be no significant impact on ecology or protected species.

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, AW8 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. 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.

3. Building operations shall not be commenced until a sample of the 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

4. The dwellings hereby approved shall be constructed in accordance with the levels detailed on the approved plans received on the 29th November 2013, unless otherwise agreed in writing by the Local Planning Authority.

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

5. No works shall commence on site, until a structural appraisal of the boundary wall has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

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

6. 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 dwellings hereby approved are 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

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. 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.

10. 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.

11. Notwithstanding the submitted plans the boundary wall shall be splayed at 45° by 1metre either side of the entrance unless otherwise agreed in writing by the Local Planning Authority.

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

12. Prior to occupation of any of the dwellings hereby permitted the means of access, together with the parking and turning facilities shall be laid out and constructed in accordance with the submitted layout plan number hdw/ph/dl/001.

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

13. No part of the development shall be occupied until developments private shared driveway has been surfaced in permanent material and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

14. The garages, hereby approved, shall be used as garages for purposes ancillary and incidental to the use of the dwelling houses and at no time shall they be converted to a room or living accommodation to be enjoyed as part of the dwelling.

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

15. 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.

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 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.

18. 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.

19. 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.

20. Construction works on the development shall not take place other than

during the following times:

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

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

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APPLICATION NO: 13/1274/10 (EL)
APPLICANT: Mr R Allen
DEVELOPMENT: Erection of two semi-detached three storey four bedroom houses.
LOCATION: LAND ADJACENT TO RICHMOND HOUSE,
FOTHERGILL STREET, ABERNANT, ABERDARE.
DATE REGISTERED: 04/12/2013
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the development of the site for residential purposes is compatible with the area and the design of the properties is acceptable in terms of scale and appearance. The impact on residential amenity and highway safety is also considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the construction of two residential properties, (one pair of semi detached dwellings) on a parcel of land adjacent to Richmond House, Fothergill Street, Abernant, Aberdare.

Each of the dwellings would measure 6.7 metres in width and extend to 7.3 metres in length. They would have a ridge roof construction extending to 9.2 metres at their ridge and 5.2 metres at their eaves. Accommodation would be arranged over three floors, making use of the roof space, with 4no. bedrooms in total.

The properties would be orientated to front the highway (Fothergill Street) with parking space being provided to the side and front of the properties (3 no. spaces per unit). Small enclosed private garden areas would be located to the rear of the properties. The dwellings would be of a blockwork construction, with a facing brickwork finish to their front elevations and render to the side and rears. They would have a tiled roof construction.

SITE APPRAISAL

The application site is a parcel of land, measuring approximately 495m² and is located within the settlement of Abernant. The plot lies within a predominantly residential area, at the eastern end of Fothergill Street. The site represents an undeveloped parcel of land, situated between Richmond House, (to the east) and 21 Fothergill Street (to the west). Neighbouring dwellings on Fothergill Street are predominantly terraced in character, however Richmond House, is a large dwelling situated within a generous plot. To the north, the land rises steeply, with the embankment extending upward to the level of Forge Place.

PLANNING HISTORY

51/90/0300	Land opposite 31 Fothergill Street, Abernant, Aberdare.	Dwelling House	Granted with conditions 07/08/90
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PUBLICITY

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

- One resident comments on the number of windows proposed to the front elevations. Concern is expressed that this would not be in keeping with neighbouring properties in the terrace.
- Concern is expressed that with many windows residents' privacy may be compromised.
- Reference is also made to the poor condition of an area of land at the eastern end of the street that residents use as an informal turning area (this area lies outside of the application site and outside of the applicant's control).
- A further letter comments on matters of land ownership. It is claimed that the application site includes land that is not within the applicant's ownership.

CONSULTATION

Transportation Section – no objections raised, subject to conditions.

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

Land Reclamation & Drainage - no objections raised, conditions recommended.

Natural Resources Wales – no objections raised.

Welsh Water - no objections raised, conditions recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within settlement limits.

AW2 promotes development in sustainable locations.

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

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

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

National Guidance

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of development

As identified above, the site is located within settlement limits, albeit that the north eastern corner is bounded by the line of the settlement. Since, the plot is positioned within an area, which is characterised by existing residential development, it is considered that the development of two dwellings on the site would be compatible

with the surrounding land uses. Similarly, planning policy states that residential development on unallocated land within the defined settlement boundary should be supported, subject to criteria. These include ensuring that the proposal is well related to the existing pattern of development in terms of scale, layout, design, use of materials and general character of the surrounding area. As such, the principle of the development is considered acceptable, subject to an assessment of the impact of the proposed development upon 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.

Character and appearance

The scheme proposes the construction of two semi-detached dwellings, to be developed on a vacant plot within an established street scene. The majority of the properties in the street are conventional two-storey terrace dwellings (including those to the west of the application site). However, it is noted that the closest dwelling to the east is a more modern, detached dwelling set within a large plot.

The proposed dwellings would be comparable, in terms of their scale and appearance to the terrace dwellings that form the majority of the street. It is acknowledged that the proposed dwellings would be larger in scale and height providing accommodation over three levels. However, it is considered that the proportions of the dwellings are acceptable, with the second floor accommodation being provided within the roof space of the units. A street scene, which accompanies the submission, illustrates that the overall height of the proposed dwellings would exceed that the neighbouring terrace; however the difference between ridge heights would be 1.3 metres, which is not considered excessive. It is also important to note that a distance of approximately 18.0 metres would separate the proposed dwellings from number 21, as such, it is not considered that the dwellings would appear overly prominent in the street scene.

The proposed units would be orientated in order that they address the highway, which fronts the site, ensuring an active frontage onto the road. Similarly, the palette of materials proposed is also considered acceptable. The side and rear elevations of the properties would be finished with a smooth render, however interest would be added by the use of brickwork and stone cills, to match the existing terrace dwellings, to the front elevations. This combination would ensure that the properties would be in keeping with the established residential terrace.

Overall, it is considered that the scale and design of the proposed dwellings is appropriate, with the development in-filling a vacant plot within an established residential street. Therefore, the development is considered to be in keeping with the character and appearance of the surrounding area, and as such, is in accordance with the requirements of policies AW5 and AW6 of the Local Development Plan.

Residential amenity

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

Whilst the land to the east, west and south is all occupied by residential properties, it is considered that the siting, scale and orientation of the proposed dwellings limits any impacts to a point that is considered acceptable in planning terms.

The proposed units would be set back slightly within the plot, but would follow a building line that is comparable to the neighbouring dwelling to the east (Richmond House). It is also noted that separation distance of approximately 18.0 metres to the west and 19.6 metres to the east would be achieved, between existing neighbouring dwellings. Furthermore, all windows to the side elevations would serve non-habitable rooms (bathroom and landing), as such; it is not considered that the development would result in either an overbearing impact or loss of privacy to existing residents.

It is noted that one resident of a property opposite has expressed some concern with regard to the number of windows proposed and the resulting potential for overlooking. However, having assessed the scheme, it is not considered that the development would unduly compromise the levels of privacy that residents located opposite the site would enjoy. This is particularly the case since, for the majority of Fothergill Street; properties are arranged in order that they are separated only by the width of the highway, with front elevations facing one another. In the case of the proposed development, separation distances would actually be increased slightly, as the proposed dwellings would be set back slightly within the site. It is also worthwhile noting that the design of the dwellings has been revised slightly to reduce the number of openings to the front elevations, with ground floor w.c. windows being re-located to the side elevations and front facing roof lights being re-positioned to the rear roof planes.

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

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response initially expresses some concern that Fothergill Street does not benefit from a formal turning area and that the presence of on-street parking, narrows the running width of the carriageway. However, their assessment finds that an appropriate level of off-street car parking, is proposed within the curtilage of the development site, with 3 no.

spaces per unit. Furthermore, the application seeks to provide a footway along the site frontage, which would tie into the existing that fronting Richmond House.

Overall, their assessment concludes by raising no objections to application, on the basis that the development is considered acceptable, and would not result in an adverse impact upon highway safety in the vicinity of the site.

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.

Land Ownership

It is noted that a neighbouring occupier has expressed some concern that a proportion of the land which forms the application site does not lie within the applicant's control. In response to this point, the matter was raised with the applicant, with a view to clarifying the position. The applicant has responded by providing a formal statement that the land identified by the red line boundary does fall within their ownership. It is considered that this statement is sufficient for the purposes of proceeding with the planning application.

On a separate point, it is noted that a resident also expresses concern with regard to the condition of an area of land, at the eastern end of Fothergill Street, which is used by residents as an informal turning area. Whilst it is noted that this area is not formally laid out or surfaced for this purpose; this land lies both outside of the application site and outside of the applicant's control and ownership. As such, it is not possible or reasonable to require the applicant to undertake improvements to this area, as part of the current application submission.

Conclusion

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

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/ revised plan(s) received by the Local Planning Authority on 10/01/2014 & 24/01/2014.

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

3. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the pedestrian footway along the site frontage linking with the footway outside number 21 Fothergill Street and vehicular crossovers have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the dwellings.

Reason: In the interests of highway safety.

4. No dwelling shall be occupied until space has been laid out within the site for 3 vehicles to be parked in accordance with the submitted site layout plan dated 24/01/14, thereafter that area shall not be used for any purpose other than the parking of vehicles.

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

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

Reason: In the interests of highway safety.

6. Prior to the commencement of development, traffic management and wheel washing facilities shall be provided on site, in accordance with details first 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.

7. Heavy Goods Vehicles used as part of the development shall be restricted to 09:30am to 16:00pm weekdays, with no deliveries on weekends and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

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

8. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
- A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 - A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 - A written method statement for the remediation of contamination affecting the site

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

9. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 8) 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.

10. 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.

11. 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.

12. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

13. 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 buildings are occupied. Development shall be carried out in accordance with the approved details.

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

14. Building operations shall not be commenced until samples of the construction materials, including render colour, brick 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 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.

15. 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.

16. 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.

17. 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.

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 AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/1278/08 (PB)
APPLICANT: Rhondda Cynon Taf CBC
DEVELOPMENT: Installation of an energy saving evaporative cooling system.
LOCATION: DATA CENTRE, TY BRONWYDD, BRONWYDD AVENUE, CYMMER, PORTH, CF39 9DL

DATE REGISTERED: 07/01/2014
ELECTORAL DIVISION: Porth

RECOMMENDATION: Approve

REASONS:

The plant fulfils a vital role in the Council's data storage and handling responsibilities. The plant and machinery, while large and visually prominent, are adequately screened by fencing and following the recommendations of the acoustic report the noise levels can be reduced to acceptable levels. Therefore, and on balance, the development is considered acceptable.

APPLICATION DETAILS

The application seeks retrospective planning consent for the retention of an external evaporative cooling system and boundary palisade fence at the Data Centre, Ty Bronwydd, Bronwydd Avenue, Cymmer, Porth, CF39 9DL.

The development consists of a large external ducting plant at two locations on the existing data centre that is on the roadside approach to the Council Offices in Bronwydd, Cymmer Porth.

The first location is above the walkway immediately adjacent to the caretaker's dwelling. The plant at this position is located at a height of approximately 2.5m and measures 1.2m in depth by 1.2m in width by 1.4m in height.

The second location is on a raised hardstand area between the Data Centre building and the pavement of Bronwydd Avenue. The plant at this position measures 4.1m in depth by 5.6m in width by 3.1m in height and is enclosed by a 2.4m high, green colour coated palisade fence.

The application is accompanied by a Design and Access Statement (DAS) in support of the application.

SITE APPRAISAL

Bronwydd Data Centre is a two storey building occupying a roadside location on Bronwydd Avenue, Cymmer Porth.

The property is one of numerous buildings within the larger Bronwydd site that serve as offices, storage and ancillary buildings in use by the Council in the exercise of its functions as the Local Authority.

The application building and the installed plant apparatus are in a prominent roadside location on the approach to the Bronwydd site. However, this part of Bronwydd Avenue, is a quiet side street containing the entrance to Dan y Mynydd home for the elderly, Tynycymmer Lodge and the pine end of a dwelling in High Street.

The apparatus are installed on a raised platform area on the roadside frontage of the building, immediately adjacent to the pavement and enclosed behind a green, colour coated palisade fence approximately 2.4m in height.

The gate piers, railings to the site and the main Bronwydd House are also Listed Buildings.

PLANNING HISTORY

09/0659/08	One4All Rhondda Cynon Taf Council, Bronwydd Avenue, Cymmer, Porth	Proposed replacement roof.	WFI 12/11/09
08/1119/08	One4All Rhondda Cynon Taf Council, Bronwydd Avenue, Cymmer, Porth	Extension to existing external car park at Bronwydd House.	Granted 29/09/08
08/1339/01	One4All Rhondda Cynon Taf Council, Bronwydd Avenue, Cymmer, Porth	Static sign at entrance to centre.	Granted 18/09/08
07/0751	Bronwydd House, High Street, Porth	New two storey office replacement for blocks C and D incorporating - 'One4All centre	Granted 30/07/07
04/0352	Bronwydd House, High Street, Porth	Create additional car parking on site and form a disabled footpath inclusive of lighting.	Granted 14/05/04
03/0846	Bronwydd House, High Street, Porth	G-Block, conversion of existing flat roof with built-up felt covering to lightweight self supporting steel pitched roof with interlocking steel roof tiles with concrete finish.	Granted 04/07/03

03/1152	Bronwydd House, High Street, Porth	Proposed installation of Microwave Antennas. (Listed Building application)	Granted 21/10/03
03/1153	Bronwydd House, High Street, Porth	Installation of two pole mounted 300mm diameter microwave dishes.	Granted 27/10/03
97/6570	Bronwydd House, High Street, Porth	Proposed new two storey office accommodation and car parking facilities to the rear of Dan-y-Mynydd	Granted 09/01/98

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. 1 letter has been received the points of which are summarised below:

1. Although efforts have been made to reduce the noise I believe that any noise emitted will be extremely disruptive. This is a very quiet area and the noise is simply unacceptable.
2. The visual impact is extremely detrimental to the area. The system faces onto the main access road leading to a listed building and detracts from this historically important feature.
3. The cooling system appears highly industrial in nature and does not fit in well with its surroundings.

CONSULTATION

Public Health and Protection Division – as part of the planning application the applicant has submitted an acoustic assessment with the application.

Having reviewed the assessment it is considered that with the acoustic treatment recommended in the assessment that the development should not have a negative affect on residential amenity.

Consequently, no objection is raised, subject to conditions requiring the works to be carried out as specified in the acoustic assessment and the completion of a post installation assessment to ensure the success of the works. A validation certificate shall be provided and the unit not brought into beneficial use until the certificate has been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy AW2 - supports development in sustainable locations.

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

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

Policy AW7 – seeks to protect and enhance sites of architectural and or historic merit from developments that would be visually detrimental.

Policy AW10 – lists noise pollution and its effect on amenity as one of the issues to be considered in determining development proposals.

National Guidance

Chapter 4 – Planning for Sustainability

Paragraph 4.11.9 states that the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

Chapter 7 – Economic Development

Paragraph 7.6.3 states that employment and residential uses can be compatible and local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised.

Chapter 13 – Minimising and Managing Environmental Risks and Pollution

Paragraph 13.15.1 states that noise can be a material planning consideration. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications. In some circumstances it will be necessary for a technical noise assessment to be provided by the developer.

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 building is one of numerous on the site used by the Council for services and functions carried out by the Authority.

This particular building is used to house the servers for the Authority's computers and is responsible for the efficient handling and storage of the data that is used and held by the Council. The demands on this facility have increased due to the expanded prevalence of e-services and the relocation of staff to the site. The demands have increased the energy consumption of the facility, increased the heat generated at the site and facilitated the need for a cooling system at the site.

Consequently, there are sound operational reasons for the need for the plant at this location.

Impact on neighbouring properties

The development is in a prominent roadside location that is visible to members of the public visiting the Council Offices, the nearby nursing home and Bronwydd Park. This accepted the inclusion of the palisade fence does largely screen the bulk and appearance of the plant from all but immediately direct views.

In terms of the noise emitted by the machinery when initially installed this was measured at some 70db and was particularly noticeable during periods of reduced levels of ambient noise levels such as early morning, evening and night time in the area. The noise levels led to complaints to the Council's Public Health and Protection Division since when the plant has been turned off until necessary modifications could be made.

The applicant has undertaken an acoustic assessment that, through a series of measures, will reduce the noise emitted to some 34db. This level of noise is considered to be acceptable, even at times of low background noise levels.

The Council's Public Health and Protection Division consider that subject to the identified measures being undertaken and a validation report being submitted verifying their effectiveness that the development would be acceptable in this regard.

Consequently, it is considered that by virtue of the screening that has already been undertaken and the measures identified to reduce noise emissions the proposal would be acceptable in this regard.

Effect on the visual amenity of the area

The plant and machinery are of a bulky, industrial and arguably unattractive appearance that is detrimental to the visual amenity of the area. The plant is also in a prominent roadside location on the main access road to a key Council facility. It has attracted an objection from a neighbouring resident.

Efforts have been made to screen the bulk of the plant and these have been reasonably successful. However, the method of screening the plant, palisade fencing, has a character and appearance more suited to an industrial setting than a quiet, residential neighbourhood.

It is considered that whilst the plant has a detrimental effect on the visual amenity of the area however, it is adequately screened which helps reduce its visual impact to a large degree. Also, it is considered the development does not unduly affect the setting of the Listed Buildings the other side of the Data Centre inside Bronwydd.

Conclusion

The plant that has been installed is large, bulky and industrial in appearance which is exacerbated by its prominent roadside location. However, it is considered that the screening provided by the palisade fence that has been erected does screen the plant to a reasonable degree.

In terms of noise issues it is considered that these have been acknowledged and addressed by the applicant's consultant and an acceptable mitigation strategy devised. It is considered that the works would reduce the noise levels emitted to a reasonable level that would not be detrimental to neighbouring properties. Additionally, the post installation assessment would ensure the success of the works in this regard.

Consequently, despite its obvious issues in terms of its visual appearance it is considered that there is a need for the facility at this location. In this case the adequacy of the screening and noise mitigation measures further help mitigate the negative visual aspect of the proposal so that, on balance, a recommendation of approval is offered.

RECOMMENDATION: Grant

1. Prior to the plant being brought into beneficial use the works specified in the acoustic report and the mitigation calculations shall be undertaken and supervised by the Acoustic consultant.

Reason: To ensure that the noise emitted is not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Development Plan.

2. A post installation noise assessment shall be undertaken to determine the success of the works detailed in condition 1 above and a validation certificate shall be provided to the Local Planning Authority within 3 months of the date of this permission. The plant shall not be brought into beneficial use until the certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted is not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Development Plan.

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APPLICATION NO:	13/1324/10	(LE)
APPLICANT:	Amanda Rees	
DEVELOPMENT:	To erect 2 no.garages on existing plots nos. 3 & 5 utilising existing floor bases.	
LOCATION:	LAND ADJACENT TO NO 1 GLENAVON TERRACE, GILFACH GOCH.	
DATE REGISTERED:	07/01/2014	
ELECTORAL DIVISION:	Gilfach Goch	

RECOMMENDATION: Approve

REASONS:

The erection of two domestic garages within an existing row of domestic garages within the defined settlement limits of Gilfach Goch is considered an acceptable form of development and is acceptable in highway safety terms.

APPLICATION DETAILS

Full planning permission is sought for the erection of two detached garages at land to the northern end of Glenavon Terrace, Gilfach Goch (adjacent to no. 1 Glenavon Terrace).

The garages would have a similar scale and appearance, each measuring 5.0 metres in depth by 2.6 metres in width. The garages would have monopitched roof designs extending to a maximum height of 2.6 metres. Each garage would be

accessed via an up and over metal door measuring 2.25 metres in width. The garages would have a concrete blockwork construction and felt finished roofs. Information submitted with the application highlights the garages would be used for domestic purposes.

The application is accompanied by the following:

- Design and Access Statement
- A Licence Agreement between the applicant and the Council agreeing to the use of the land (for domestic garage purposes).

SITE APPRAISAL

The application site consists of an area of land situated toward the very northern end of the residential street known as Glenavon Terrace, Gilfach Goch. The application plots are situated alongside and between an existing row of historic garages (3 existing garages) adjacent to a small turning and parking area. The side elevation of no. 1 Glenavon Terrace is situated approximately 17 metres away from the proposed siting of the garages (at their closest point). Glenavon Street consists of terraced dwellings to its eastern side and has no through road. The applicants highlight the application plots were previously occupied by garage structures that have now been demolished. Immediately fronting each plot is a relatively flat grassed area that appears to be used for the informal parking of vehicles. Further to the front, rear and northern side, the site is surrounded by relatively open green space that hosts overgrown planting and small trees.

PLANNING HISTORY

No recent or relevant planning applications have been submitted for the application site.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices, several letters of objection (from the occupiers of no's 1, 3, 11, 13, & 25 Glenavon Terrace) have been received that raise concerns with the highway and parking implications of such a proposal. The details of which are summarised as follows:

- The proposal would cause major issues with parking that are already experienced in the street.
- There are not enough car parking spaces in the street and the area in question is used for the parking and turning of vehicles by numerous individuals.
- The parking situation in the street is hazardous and two extra garages (for people who don't live in the street) will make matters worse.

- The proposal would compound parking and access difficulties that are already experienced in the street.
- People already park in the turning area as there is no parking available in the street.
- The turning point is regularly obstructed.
- If the garages are built people may not be able to park outside their properties (including disabled residents) which may affect people's wellbeing.
- The existing garages are not in use.
- More off road parking should be created in the area and an improved turning area created for residents – all the garages should be removed and a large car parking area created.
- Layby parking should be allowed to the fronts of existing properties but this has been refused in the past and therefore the application is opposed unless layby parking for residents is created in the street.

CONSULTATION

Transportation Section – no objection raised. It is acknowledged a high demand for on street parking exists within Glenavon Terrace with a considerable amount of on-street car parking taking place along the public highway. There is a sub-standard turning area sited adjacent to the proposed garages. However, the proposal would provide two secure off street car parking spaces that is satisfactory to the Highway Authority.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW2 seeks to support development proposals, which are in sustainable locations.

Policy AW5 sets out criteria for new development.

Policy AW6 supports development of a high standard of design.

National Guidance

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

Planning Policy Wales (PPW) Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) and 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 proposed construction of two domestic garages adjacent to a row of existing garages on land within the settlement boundary. It has also been detailed the site was previously occupied by garage structures. The principle of the development is therefore supported in this instance.

Impact on the character and appearance of the area

The proposed garages are considered to be acceptable in terms of their scale, design and overall visual appearance. The appearance of the garages is generally reflective and sympathetic to the existing garages structures they would be erected alongside. It is detailed the garages would have a blockwork construction and a recommended condition, should Members be minded to grant consent, would ensure an appropriate rendered finish be utilised for the final finish of the garages to further enhance their visual appearance. The garages, given their small scale and siting in such close proximity to the existing buildings, would also not prejudice the open nature or aesthetic value of the relatively green areas surrounding the site. In summary, as a result of the siting and acceptable design of the proposed garages, the scheme would have no adverse impact on the existing character and appearance of the locality.

Impact on residential amenity and privacy

The proposed garages are unlikely to have any harmful impact on the residential amenity and privacy of surrounding neighbouring properties. The garages would be sited directly alongside existing garage structures away from the nearest residential property. Each garage would be offset over 17 metres from the blank side elevation of the nearest residential property, no. 1 Glenavon Terrace. As such, the garages would have no overbearing or overshadowing impact and would not give rise to any

overlooking issues. The letters of representation received also raise no direct concerns with loss of privacy or amenity as a result of the scheme, and it is noted the garages would only be used for domestic purposes.

Access and Highway Safety

The proposal seeks consent for the erection of two domestic, single garages at the far end of a terraced, residential street. As detailed earlier, several local residents have raised a number of highway concerns with the development and it is duly acknowledged on street parking demand is high in the area. On street parking is only available on one side of the public highway known as Glenavon Terrace that has no through road, with off-street car parking facilities also being limited in the area. The parking of vehicles does appear to take place in an informal manner at the end of the street upon a small turning area and an unmade grassed area fronting the row of existing garages.

However, the proposal under consideration is for the erection of two domestic garages, adjacent to a row of more historic garages, which can be used for the parking of vehicles. Garages previously occupied the plots and it is not considered such additions would significantly alter the existing parking and turning arrangements within the street to such a harmful degree that would warrant the refusal of the planning application. Following consultation with the Councils Transportation Section no objections have been raised against the scheme. Conditions are suggested to ensure the garages are used solely for domestic purposes (not business use) and satisfactory entrance aprons/accesses are created to the front of each garage to minimise the transfer of muck or debris from the un-made ground fronting the garages onto the public highway. As such, the application is considered to be acceptable in terms of access and highway safety.

Conclusion

The proposal has been determined as compliant with the policy framework of the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales. As such, the application is recommended for approval.

RECOMMENDATION: Grant

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

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

2. Notwithstanding the submitted details, development shall not commence until samples/brochure details of the type and colour of all external finishing

materials (including garage door details) 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/detail(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. Notwithstanding the submitted details, development shall not commence until details of the proposed access track and garage aprons leading to the garages have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be carried out in accordance with the approved details prior to beneficial use.

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

4. The use of the garages hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/1357/15 (KL)
APPLICANT: Mrs N Lott
DEVELOPMENT: Variation of condition 1 of planning approval 13/0126/10 to extend the time limit from 3 to 9 months for works to be carried out.
LOCATION: 11 THE CHESTNUTS, MISKIN, PONTYCLUN, CF72 8PE
DATE REGISTERED: 30/12/2013
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The proposed delay in completing the works will not have an adverse impact on the amenity and privacy of the neighbouring residential property.

APPLICATION DETAILS

The application seeks permission for the variation of condition 1 of planning application reference no. 13/0126 to extend the time limit from 3 months to 9 months for the works approved under this permission to be carried out. Planning permission was granted for the insertion of front and rear dormers above the existing garage to facilitate the creation of a study in the roof void as well as the retention of a new boundary wall to the front of the property and a replacement side boundary wall with an attached timber fence along the common boundary with no. 12 The Chestnuts. The following condition was added to the consent which specifically relates to the side boundary wall:

'Within 3 months of the date of the decision notice, the block wall located along the boundary with 12 The Chestnuts shall be modified and completed in accordance with the Amended Plan (which confirms the affixation of wooden fencing to the wall) received by the Council on 13th September 2013 and details of the method of affixation and any colour staining of the fencing shall first be agreed in writing by the Local Planning Authority'.

The boundary wall sited along the common boundary with no. 12 The Chestnuts is built above an existing brick faced retaining wall measuring 1.9 metres in height from the applicant's garden with a cumulative total height of 3.9 metres from the garden level of no.12. An amended plan demonstrates that the wall will be modified to include timber fencing on the neighbour's side as well as the reduction in height of part of the wall forward of the front building line of the application dwelling to a maximum of 1.9 metres. Details of the approved block wall and wooden fencing, as per Condition 1 of the consent, have been received and approved by the Council and the current application solely concerns the time limit for the completion of the modifications specified above.

SITE APPRAISAL

The application site is a two-storey detached dwelling located within a residential area of Miskin, Pontyclun. It is a modern dwelling situated to the south east of the Miskin Conservation Area. It has a face brick finish with brown uPVC windows and concrete interlocking roof tiles. Its rear garden backs onto the open countryside surrounding Miskin Manor. The neighbouring property to the south (no.12) is on a significantly lower ground level. It is set back from the road and is accessed off a turning head. At the end of the street there is a secondary access point leading to a cricket club, the Miskin Manor and a residential street to the west.

PLANNING HISTORY

13/0126 11 The Chestnuts, Insertion of front and rear dormers Granted (COM)

	Miskin, Pontyclun, CF72 8PE	above existing garage to facilitate the creation of a study in the roof void; form new boundary wall to front and replace side boundary fence with wall (resubmission)	04/10/13
12/1143	11 The Chestnuts, Miskin, Pontyclun, CF72 8PE	First floor extension over existing garage with front and rear dormer windows and new boundary wall.	Refused 12/12/12

CONSULTATION

Highways and Transportation – raise no objection to the proposal subject to a condition relating to details of the collection and disposal of ground water from the site.

PUBLICITY

The application has been advertised by means of direct neighbour notification and a site notice. One letter of objection has been received from the occupier of no. 12 The Chestnuts and is summarised as follows:

- Works have been ongoing for 18 months.
- An extension of another 6 months would be delaying works further.
- Do not want building works to continue into another summer.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW5 - sets out criteria for new development.

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

National Guidance

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 principle of the development has been firmly established through the previous approval of planning permission 13/0126 and is therefore acceptable subject to the criteria set out below.

The applicant has indicated that it has not been possible to carry out the works within the 3 month time frame previously imposed by the Council due to complications with the original builder and party wall issues, which require more time to resolve.

Impact on the character and appearance of the area

The boundary wall is sited along the common boundary with no. 12 The Chestnuts. It measures a maximum of 3.9 metres from the garden level of no. 12 and is currently unfinished. A timber fence is proposed to be fixed to the face of the wall with the neighbouring property which would make the wall appear as a 2 metre high wall with a 1.9 metre timber fence above from this property. It is acknowledged that the appearance of the wall is visually obtrusive in comparison to the proposed timber fencing, however, a period of 9 months is not considered unreasonable in terms of the time limit specified.

Impact on the amenity and privacy of neighbouring properties

One letter of objection has been received in relation to the time it has taken to complete the works. The neighbour is disappointed with the proposal to extend the time limit and feels that an additional 3 months to complete the wall is more than reasonable. Given the circumstances, 9 months is not considered to be a lengthy period of time and, as such, is considered to be an acceptable time limit for the completion of the works.

Conclusion

The principle of the development has been firmly established through the previous approval of planning permission 13/0126 and is therefore considered to comply with

the relevant policies of the Local Development Plan (AW5 and AW6). The extension of the time limit to complete the works is considered to be acceptable.

RECOMMENDATION: Grant

1. By 4 July 2014, the block wall located along the boundary with 12 The Chestnuts shall be modified and completed in accordance with the Amended Plan (which confirms the affixation of wooden fencing to the wall) received by the Council on 13th September 2013 and the further details approved by the Council on 26 November 2013.

Reason: To ensure that the visual 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.

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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

20 FEBRUARY 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File