

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
2 APRIL 2015**

**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. 14/1178 - Construction of 2 no bungalows together with widening of road Cwm Isaac and forming turning head (Amended plans received 31/12/14 and 28/1/15 due to an alteration to the parking arrangement and the deletion of a retaining wall from the scheme), land adjacent to 3 Cwm Isaac, Rhigos, Aberdare.
2. Application No. 15/0183 - Change of use to open air market, Henry Street (South) Car Park, Mountain Ash.

This page intentionally blank

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 14/1178/10 (HW)
APPLICANT: Mr Alun Williams
DEVELOPMENT: Construction of 2 no bungalows together with widening of road Cwm Isaac and forming turning head (Amended plans received 31/12/14 and 28/1/15 due to an alteration to the parking arrangement and the deletion of a retaining wall from the scheme)
LOCATION: LAND ADJACENT TO 3 CWM ISAAC, RHIGOS, ABERDARE, CF44 9AX
DATE REGISTERED: 02/09/2014
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve, subject to a S.106 Agreement

REASONS:

The proposal is a revised application from one refused in May 2013 and subsequently dismissed on appeal, due to the Inspector's concerns regarding the visual impact of the turning head and parking areas. The key issue in determining this application is considered to be whether the proposed layout overcomes the Inspector's reasons for dismissing the appeal. It is considered that the revisions made do overcome these concerns and therefore the proposal is acceptable.

APPLICATION DETAILS

Full planning permission is sought for the construction of two detached 3 bedroom bungalows, with associated access and parking areas, on a parcel of land at Cwm Isaac, Rhigos. The application is a resubmission of 12/1287/10, which was refused, with the subsequent appeal being dismissed.

Each bungalow is rectangular in plan, extending to 12.6 metres in length and 8.2 metres in width. They have a ridged roof construction measuring 4.8 metres in height to the ridge and 2.7 metres to their eaves. It is proposed that they be finished mainly in render, with a brickwork band at the foot and a reconstituted slate roof.

A turning head is proposed at the front of the bungalows, aligned between the two of them. It is proposed to continue the footway currently to the east of the site in front of the proposed bungalows, with it terminating half way along the frontage of plot 2. There will be a crossing point across the turning head and a narrow refuge strip to the back of it. The footway will be 1.5 metres wide in front of plot 1 and 1.2 metres

wide in front of plot 2. The frontage is also proposed to be set back to widen the road to 4.8 metres for the section in front of the site.

The application is accompanied by a Design and Access Statement, as well the plans submitted with the application.

SITE APPRAISAL

The application site is rectangular in shape and measures approximately 950 square metres in area. To the north the site is bounded by Cwm Isaac, and an access to the site has been formed at this point. The immediate area is predominantly residential in character. To the north of the site, directly opposite the development plot, is a two-storey dwelling (known as No. 3 Cwm Isaac). To the east, two modern large detached dormer bungalows have been constructed. It is noted that road widening has been undertaken along the frontages of these bungalows, however the road narrows to a single-track lane along the frontage of the application site. There are variations in level across the site, with a fall from east to west. To the west of the site is the residential curtilage of no.1 Cwm Isaac. The land to the south of the site is in the applicant's ownership.

PLANNING HISTORY

The relevant planning history in respect of this site is as follows:

12/1287	Two bungalows, widening of Cwm Isaac and turning head.	Refused 21/05/13 Appeal dismissed 31/12/13
11/1344	Two bungalows and private drive. (Re-submission of 11/0398)	Refused 03/05/12 Appeal dismissed 15/10/12
11/0398	Residential development of three properties off a private drive.	Refused 29/06/11
10/0896	Residential development of four properties off a private road.	Refused 19/11/10
08/0285	Five bungalows off a private drive.	Refused 05/06/08

Appeal dismissed
12/12/08

PUBLICITY

The application has been advertised via site notices and letters have also been sent directly to residents. Letters of objection have been received from local residents at 3 addresses and 2 letters of support have also been received. These are summarised as follows:

Objections

Amenity

- The development would create privacy problems for neighbouring dwellings.
- The turning head and parking would cause disruption, noise and loss of amenity from headlights.
- Tipping has caused problems to residents and has ended up in the watercourse below Cwm Isaac.

Character

- The change in land use from agricultural to housing is inappropriate.
- The houses are out of place in a rural lane.
- The proposal would do nothing to enhance the area.
- Putting the turning head in the middle of a country lane would be completely out of character.
- Widening the road would spoil the character of the area.
- Loss of trees and hedges.
- This proposal would spoil nature rambles undertaken by local school children in this lane.
- There is no room for more building on Cwm Isaac.

Highway Safety

- There will be extra traffic problems on the lane, and there is no safe capacity for increased traffic.
- Cwm Isaac is not built for two-way traffic and extra traffic as a result of this development.
- The lane being widened will cause vehicles to go faster, not realising the lane then narrows, which could cause an accident.
- Queries whether the lamppost will actually be resited, and if not, it will prevent the turning head being constructed.

Drainage

- The proposed surface water drainage is going to be inadequate to deal with existing drainage problems.
- There would be drainage and surface water run-off problems.
- The extra tarmac and concrete areas will make water run-off problems worse.
- There have been problems with raw sewage flowing into a culvert along the road above Cwm Isaac/ Heol Pendarren. This application would further overload the sewerage system.

Other

- The use of heavy plant for construction will cause damage to houses and potentially the shallow drain beneath the road.
- Queries whether a retaining wall removed from the plan is needed for the sake of safety.

Letters of Support

The bungalows would be in keeping with the surroundings and the development would enhance the general area.

One letter has also been received stating that no objection is raised, because the development will enhance the area and the community.

CONSULTATION

Highways Development Control - no objections raised, subject to conditions.

Land Reclamation and Engineering - no objections raised, but recommend a condition in respect of drainage details.

Public Health and Protection - no objections raised, but recommend a condition in respect of hours of construction.

Countryside - no comments made.

Dwr Cymru Welsh Water - no objections raised, but recommend conditions in respect of drainage details.

Wales and West Utilities - no objections.

Western Power Distribution - no comments made.

South Wales Fire and Rescue Service - no comments made.

Rhigos Community Council - object on the grounds the sewerage system is already overloaded in the area.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The Proposals Map indicates that the site is unallocated and within the settlement limits.

The following policies of the Local Development Plan are considered relevant:

Policy AW1- Supply of New Housing

Policy AW2- Sustainable Locations

Policy AW5- New Development

Policy AW6- Design and Placemaking

Policy NSA 12- Housing Development Within and Adjacent to Settlement Boundaries

In addition, the following Supplementary Planning Guidance (SPG) is considered to be relevant:

Access, Circulation and Parking Requirements.

National Guidance

Planning Policy Wales

Paragraphs 4.11.2 (good design), 8.7.1 (development management and transport), 9.3.2 and 9.3.3 (infilling) are considered to be relevant.

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 previous application (ref 12/1287/10) was refused and the subsequent appeal was dismissed, on the grounds that the proposed turning head and car parking spaces to serve the new dwellings would have a harmful effect on the character and appearance of the surrounding area. Therefore, the most relevant consideration in

this proposal is whether the revised layout overcomes this concern, and whether it is acceptable in terms of highway safety.

The Inspector considered that the proposed turning head and car parking space arrangement would appear overly engineered, and thus unduly awkward, contrived and alien in the context of the wider street scene, would be unacceptably unsympathetic to its particular context and would contribute to the incremental erosion of the character of the street scene, having a harmful effect on the character of the surrounding area.

In order to overcome these concerns, the applicant has revised the parking and turning layout. Previously, the turning head was in the centre of the curtilage for plot 1, with two parking spaces serving this dwelling. A separate private parking and turning area was proposed for plot 2. The latest application proposes a single central turning head, with parking spaces for the dwellings accessed off this. Two spaces are proposed for plot 1 in front of the dwelling and two spaces are proposed for plot 2, at the side of this dwelling.

It is considered the revisions give the layout a tidier, more symmetrical and more consolidated appearance, through not having the turning head directly opposite plot 1 and through there not being a separate parking and turning area to the front of plot 2. The new arrangements also result in a greater opportunity for landscaping at the front to soften the appearance of the development.

Highways Development Control consider that the arrangements proposed are acceptable in respect of highway safety and that the number of parking spaces proposed is also acceptable.

In respect of the concerns that still remain regarding the rural character of the lane and the impact of the development on this, it is acknowledged that the proposal will involve some engineering works to create a wider carriageway, footway, turning area and new highway drainage. However, it is considered that these works will largely be a continuation of the arrangement outside the adjacent bungalows to the east of the site, and thus will not be unacceptably detrimental to the character and appearance of the lane. In respect of any potential loss of vegetation, it is acknowledged that some vegetation along the verge at the front of the site will be lost. However, there are no trees or hedgerows along the front of the site. As the highway works will take place at the front of the site on the same side of the road, it is therefore not anticipated that trees or hedges will be lost in order to accommodate them. In addition, it is considered the works are likely to have some benefits through allowing easier passage of vehicles, safe turning movements and improved drainage.

OTHER ISSUES

Turning to the other concerns raised, it is acknowledged that concerns regarding neighbour amenity and insufficient information submitted in respect of land drainage and flood risk were given as reasons for the refusal of the previous application.

However, these reasons were not upheld by the Inspector in dismissing the appeal, as she considered the proposal would have an acceptable relationship with the neighbouring properties and she felt there was no substantive evidence to suggest surface water could not be properly attenuated within the site and highway.

It is noted that the bungalows proposed are of the same design as the previous bungalows, although the position of the bungalow on plot 1 has been moved forward approximately 2 metres. This siting is considered to be an improvement as it allows for better visual link between the adjacent dwellings and this proposal by staggering the building line.

In respect of drainage, the application allows for drainage systems to be put in place to address surface water run-off, including soakaways on the site itself and new highway gullies on the road, with an outfall pipe to the brook to the west of the site (Nant Gwranon). Highways Development Control have advised that an easement is required for the outfall pipe of 3 metres either side. This is shown on the layout plan. In order to protect the easement from development, a Section 106 Agreement is recommended. The applicant's agent has advised in writing that the applicant is agreeable to this.

In terms of the concerns raised regarding foul sewerage, an officer from Dwr Cymru Welsh Water has verbally advised that while some problems were reported in the area, but these were to the south of the site. The foul flows from this development would go north, and in any case, these type of reports would not be sufficient for them to raise an objection on the grounds of overloading the sewer.

It is noted that plans have been revised to remove a retaining wall of approximately 0.5 metres in height, which was proposed to be located in the easement required for the outfall pipe. The Structural Engineer has verbally advised that the slope proposed instead looks acceptable as it is quite shallow. A condition has also been recommended for engineering details for this (condition 12 refers).

In respect of concerns regarding tipping on the site, the land which the site forms part of was investigated by the Planning Enforcement Team in 2012, due to builders rubble on the land. However, the land was subsequently cleared of the rubble and the case was considered resolved.

In respect of moving the lamp post, Highways Development Control have not raised an objection on this ground. A condition is recommended in respect of this (condition 5 refers).

There is not considered to be evidence in this case that construction vehicles and equipment are more likely to cause damage to neighbouring properties than in other cases of this type of development. A condition is proposed for traffic management (condition 6 refers).

A further issue has been raised by neighbours, although no written objection has been received. There is a section of hardstanding to the rear of the site which adjoins the driveway shared by Hafan Head, Limberlost and Nant Hir Bungalow, and appears to be being used as part of this driveway. The development will result in the removal of a piece of this hardstanding which measures approximately 4 metres x 4 metres in area. This has led to concerns that this may make reversing movements more difficult for neighbours. Highways Development Control have acknowledged that this would be the case, and they have stated it would be beneficial for the developer to set the boundary back by a further 1.9 metres to allow for easier access/ egress. The applicant's agent has advised that the applicant does not wish to do this, but has offered to slightly curve the boundary to make such movements easier for the neighbours. It is not considered however that this will overcome this issue. Notwithstanding their concerns, Highways Development Control would not wish to object on this ground as the original planning permission for the 3 dwellings above did not include this extra section of hardstanding. In addition, it is understood that the applicant built these dwellings and laid the extra area of hardstanding at the time of building them, and it does appear that this area of hardstanding is on his land. Therefore, if the applicant wished to remove this or prevent use of it at present, there is nothing that could be done in planning terms to prevent this.

COMMUNITY INFRASTRUCTURE LEVY

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

PLANNING OBLIGATIONS

It is recommended that a Section 106 Agreement is signed to protect the easement for the outfall pipe for the highway gullies as set out above.

CONCLUSION

The latest application is considered to overcome the concerns raised by the Inspector and as such, it is recommended that planning permission is granted.

RECOMMENDATION: Approve subject to the signing of a Section 106 Agreement as follows:

- 1) To ensure that an easement totalling 6 metres wide is protected for the outfall pipe from the highway gullies;**

2) Any fees required by Legal Services for the preparation of the Agreement.

and the following conditions:

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 approved plan(s) no(s) 2326 NB La 2 rev 01 dated 23/12/2014, received 31/12/2014, 2326 NB 02 dated 28/01/2012, received 1/9/2014, 2326 NB s.s. dated 27/01/2015, received 28/01/2015 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. 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.

4. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the road layout, turning head, street lighting and surface water drainage including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering details to the satisfaction of the Local Planning Authority, prior to beneficial occupation.

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

5. The street lamp columns/ electricity poles, affected by the proposed road widening works, shall be relocated in a position to be submitted to and agreed in writing by the Local Planning Authority prior to any works commencing on site. The street lamp columns / electricity poles shall be

repositioned in accordance with the approved details, prior to beneficial occupation.

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

6. 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, and in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development whatsoever shall be allowed to commence until the Local 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 open and culverted sections of the existing watercourse during and after construction;
 - b) Protection of properties downstream of the development from increased flood risk during and after construction owing to the development;
 - c) Protection of properties within the development from flood risk.

The works shall be carried out in accordance with the approved details.

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 flood risk, and in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. 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.

9. 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.

10. Building operations shall not be commenced until samples of the construction materials; including brick, roof tiles, windows, doors and fascias 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 samples so approved.

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

11. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report shall 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.

12. Prior to the commencement of development, full engineering details of the slope to the west of plot 2 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the slope is appropriately graded, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. HGVs used as part of the development shall be restricted to 09:30am to 15:00pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

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

14. 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.

15. No dwelling shall be occupied until the drainage works approved under condition 3 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.

16. All planting, seeding or turfing in the approved details of landscaping under condition 9 shall be carried out in the first planting and seeding season following the occupation of the buildings or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

17. Prior to beneficial occupation of any dwelling, the means of access, together with the parking and turning facilities, shall be laid out in accordance with submitted plan number 2329 NB La2 Rev 1 dated

23/12/2014 and approved by the Local Planning Authority, and shall be retained in perpetuity thereafter.

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

18. Notwithstanding the layout shown on plan number 2329 NB La 2 Rev 1 dated 23/12/2014, prior to beneficial occupation, the eastern boundary wall of plot 1 shall be laid out in accordance with the plan attached to the Agent's letter dated 18th February 2015 and shall be retained as such in perpetuity thereafter.

Reason: In the interests of facilitating turning manoeuvres in neighbouring properties, and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no buildings or extensions (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

=====

APPLICATION NO:	15/0183/08	(GW)
APPLICANT:	Rhondda Cynon Taff CBC	
DEVELOPMENT:	Change of use to open air market.	
LOCATION:	HENRY STREET (SOUTH) CAR PARK, MOUNTAIN ASH, CF45 3EU	
DATE REGISTERED:	12/02/2015	
ELECTORAL DIVISION:	Mountain Ash West	

RECOMMENDATION: Grant

REASONS:

The market would have a positive impact on the retail centre, attracting shoppers to the centre of Mountain Ash. This would increase footfall within the centre and as a result would benefit its vitality and economy. The Transportation Section considers the development acceptable.

APPLICATION DETAILS

Full planning permission is being sought for the continued provision of an open-air market on part of the Henry Street (South) Car Park in Mountain Ash. The market takes place on a weekly basis on Fridays and its operational hours are stated as being 5a.m. to 4p.m., with the early start time being required to permit site set-up.

Previously an open-air market was run from Henry Street (North) Car Park. This was granted temporary planning permission (Reference 11/1243) in 2011.

As such the proposal is to re-locate the market permanently to the South Car Park.

The application is accompanied by the following:

- Access Statement.

SITE APPRAISAL

The application site is part of a car park off Henry Street, which runs adjacent to Mountain Ash railway station. Immediately to the north and west are buildings, which are accessed off Oxford Street. These include residential dwellings, a Day centre and Iceland food stores. There is a set of steps between Iceland and the Day Centre that provides pedestrian access from Oxford Street to the car park.

PLANNING HISTORY (Relevant to application)

11/1243	Henry Street Car Park, Mountain Ash	Open air market – one day a week (Friday)	Granted till 31 st December 2015 05/12/2011
05/0164	Henry Street, Mountain Ash	Construction of the Mountain Ash Town Centre Relief Road.	Granted 09/11/2005
00/4405	Mountain Ash Railway Station, adj to Henry Street, Mountain Ash	Relocation of railway station	Raise No Objection 01/05/2002
99/4468	Henry Street Car Park, Mountain Ash.	Open air market (renewal of temporary consent 51/97/4406)	Granted 08/02/2000
97/4406	Henry Street Car	Open air market (renewal of	Granted

	Park, Mountain Ash	temp consent 96/4051)	18/02/1998
96/4051	Henry Street Car Park	Open air market for a 12 month period	Granted 30/07/1996
94/0107	Henry Street Car Park	Open air market	Granted 07/06/1994
92/0648	Henry Street Car Park, Mountain Ash	Open air market	Conditions 01/12/1992
92/0255	Land adjacent Henry Street Car Park	Extension to car park	Withdrawn
91/0681	Land rear Oxford Street & Miskin Road	Diversion of railway	Withdrawn

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. No correspondence has been received at the time of writing this report.

CONSULTATION

Land Reclamation and Engineering – no objection.

Natural Resources Wales – the site lies entirely within flood risk zone C1. Given the nature of the development, the risk would be acceptable, subject to the developer being made aware of the potential flood risks and being advised to adopt flood evacuation measures.

Public Health and Protection – no objection.

Transportation Section – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan. It is partially within the retail centre of Mountain Ash and is also within a C1 flood zone.

Policy CS1 - sets out criteria for achieving strong sustainable communities including, promoting commercial development in Mountain Ash and promoting a strong and diverse economy.

Policy AW2 – promotes development in sustainable locations, including sites inside the settlement boundary and that support the role of key settlements such as Mountain Ash.

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

Policy AW6 – sets out general advice on design and placemaking.

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

Policy NSA2 – sets out general criteria for development in key settlements such as Mountain Ash.

Policy NSA18 – defines the retail centre of Mountain Ash as a district centre where retail proposals that maintain or enhance a centres position in the hierarchy would be permitted.

Policy NSA19 – details development for retail proposals that add vitality and viability to the retail centre by attracting footfall that benefits the economy would be permitted.

Supplementary Planning Guidance:

Access Circulation and Parking
Design and Placemaking

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 3 (Making and Enforcing Planning Decisions), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 10 (Planning for Retail and Town Centres) 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 4: Retailing and Town Centres;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development; and
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development.

The site is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. It is in close proximity to the centre of Mountain Ash and its nearby public transport links. As such the site is considered to be in a sustainable location and in accordance with Policy AW2.

The market would increase the footfall of shoppers within the centre of Mountain Ash and as a result would benefit its vitality and economy. As such this would have a positive impact on Mountain Ash as a retail centre.

Therefore, it is considered the principle of development would be acceptable subject to the following material planning considerations.

Impact on residential amenity and privacy.

The market would be held within a car park close to the centre of Mountain Ash and its railway station; where the coming and going of people already occurs. It would also only be held once a week and within day time hours. As such, whilst there are some dwellings nearby, it is considered any noise and disturbance from the proposed use would not be significant enough to warrant a refusal reason.

Impact on the character and appearance of the area

The physical structures of the market, i.e. the stalls, would only be erected for a temporary period on market day. As such the development would be acceptable in these terms.

Access and highway safety

The site is a car park located within the centre of Mountain Ash. The Transportation Section does not object to the proposal. They state that the existing car park provides for 101 standard off-street car parking spaces and 11 disability spaces. The proposal would only restrict the use of 21 standard spaces and 6 disability spaces for one day per week. They further detail the car park at present is not used

to capacity with spaces being available for use when the open air market is operational and that a number of car trips could be crossed linked to other shopping trips within the town centre.

They sum up, taking into account that the open air market is a community facility, only takes place for one day a week and that there is space available to the general public for off-street car parking in this and other car parks, that no objection is raised.

Flooding

The site is located within a C1 flood zone. Natural Resources Wales considers, given the nature of development, the risks would be acceptable subject to the developer being made aware of the issue and being advised to consider flood evacuation measures.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the amenity of surrounding residents, the impact on the character and appearance of the area, flooding and parking and highway safety (Policies AW2, AW5, AW6, AW10, NSA2, NSA18 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 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 approved plan:

- Site location plan received on 9th Feb 2015

and documents received by the Local Planning Authority on 9th Feb 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

- 3. The market hereby permitted shall only be held on Fridays only and at all other times the site shall be used for the parking of vehicles.

Reason: To clearly define the scope of the permission.

=====

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

2 APRIL 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File