

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
16 JULY 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

	Agenda Item No. 7
APPLICATION N0: 11/0410/15 – RENEWAL OF OUTLINE PLANNING PERMISSION (05/1878) PROPOSED RESIDENTIAL DEVELOPMENT. LAND BETWEEN MANCHESTER PLACE/ LANGLAND CLOSE (NIDUM FACTORY SITE) HIRWAUN	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

That Members approve the application

3. BACKGROUND

This application was originally reported to the Development Control Committee on 23rd June 2011 (a copy of the original report is reproduced as **APPENDIX A**). At that meeting Members resolved to approve the application subject to the applicant entering into a Section 106 Agreement to secure:

1. A transport tariff contribution towards improving the strategic highway network;
2. 10% of the total number of units being made available for social rent; and
3. A contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit.

(minute No. 9(7) refers). During the processing of the Section 106, an issue with regard to landownership and the land ownership certificates submitted as part of the planning application arose. Whilst this matter has now been resolved by the applicant serving notice on the landowner and providing the Authority with a revised Certificate B, the Agreement has not been concluded.

Following the introduction of Community Infrastructure Levy (CIL) by the Council on December 31st 2014, the pursuit of a Transport Tariff contribution for infrastructure improvements is now deemed to be inappropriate. As a result the application was returned to Committee on the 14th May 2015 (A copy of the report is reproduced as **APPENDIX B**). At that meeting Members resolved

to approve the application without the Transport Tariff contribution but subject to a Section 106 to secure:

1. 10% of the total number of units being made available for social rent; and
2. A contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit. (minute 206 refers)

Following discussions with the Legal representatives it has been noted that the original Head of Terms requires the provision of 10% of the units being made available for social rent. Unfortunately this does not correlate with the provision negotiated for the site with the developer and the draft Agreement previously sent to and agreed with the Solicitors which refers to the provision of 2 No, 2 bedroom low cost home ownership units (in accordance with the recommendation of the Housing Strategy Section in the body of the Committee report).

As such, in light of the above, Members are requested to approve the application subject to Conditions and a Section 106 to secure:

1. 2 No. 2 bedroom, low cost home ownership units; and
2. A contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit.

APPENDIX A

APPLICATION NO: 11/0410/15 (MJ)
APPLICANT: Nidum Precision Tooling Ltd
DEVELOPMENT: To extend the life of outline planning permission 05/1878/13 dated 27/11/2006 by 5 years and the period for reserved matters by 3 years (residential development).
LOCATION: LAND BETWEEN MANCHESTER PLACE & LANGLAND CLOSE, HIRWAUN.
DATE REGISTERED: 23/03/2011
ELECTORAL DIVISION: Hirwaun

APPLICATION DETAILS

This is an application for the renewal of outline planning permission for residential development on an area of land measuring approximately 0.5 hectares. Outline planning permission for residential development was last given on the site on the 27 November 2006 (Ref: 05/1878).

All matters relating to layout of the buildings, scale, appearance, means of access and landscaping have been reserved for future consideration.

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

Maximum and minimum width: 8.5m and 5.5m respectively

Maximum and minimum depth: 8.5m and 5.5m respectively

Maximum and minimum height: 7.9m

The illustrative plans submitted with the planning application indicate 16 dwellings. The dwellings would be sited in a linear fashion throughout the site mainly facing Langland Close.

Vehicular access to the properties will be from Langland Close as shown in the indicative scheme with a central island to facilitate access and egress from the site.

SITE APPRAISAL

The site is unallocated and within the settlement boundary of Hirwaun in accordance with the Rhondda Cynon Taf Local Development Plan. The site is located to the north of Langland Close, near the centre of Hirwaun, and is roughly rectangular in shape, occupying an area of 0.5 hectares which was formerly occupied by a precision tool works. The land formerly accommodated the Nidum Precision Tooling Factory.

The site lies to the south of a lane at the rear of dwellings in Manchester Place, and is demarcated by 1.8m high fencing around the majority of the site. The Nant-y-Bwlch stream runs to the west of the site, approximately 3m - 7m from the western site boundary. The factory premises and associated buildings have been demolished prior to the submission of the application. The site is surrounded by predominantly residential properties consisting of a mixture of terraced houses, detached and semi-detached properties.

PLANNING HISTORY

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

05/1878	Proposed residential development (Outline)	Granted 27/11/06
98/4502	Erection and siting of a railway container for the use of a shelter for two horses	Permission required 8/10/98
84/474	Proposed extension for storage purposes	Granted (cond) 23/1/85
79/538	Proposed extension	Refused 19/9/79

CONSULTATIONS

Transportation Section – no objections subject to conditions and a requirement to enter into a legally binding agreement to make a transport tariff contribution towards improving the strategic highway network.

Housing Strategy – based on the indicative scheme which shows 16 dwellings, 10% affordable housing provision is sought through the preparation of a S106 agreement.

Public Health and Protection – no objections.

Land Reclamation and Engineering - no objections subject to conditions.

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

Parks and Countryside Section - no SewBrec records of statutory protected species have been found for the immediate vicinity of the site. The Parks Section has suggest that the Council seeks a financial contribution from the Developer of £1,000 per property to upgrade existing outdoor recreation facilities within the Hirwaun area. This is the same amount that was required under the original application (05/1878).

Western Power Distribution – no objections subject to standard advice.

PUBLICITY

The application has been advertised by direct neighbour notification and site notices. Two letters and a petition with 32 signatures have been received which are summarised as follows:

- Concerns raised that the increase in traffic as a result of the proposed development and access from Langland Close would have a detrimental impact on the safety of the road for children and other pedestrians as the road is currently a dead end. The development will also change the quiet character of the street to a busy thoroughfare.
- Objector does not approve of the layout of the access as shown on the indicative scheme which shows a separate access and egress point to the site from Langland Close.
- The proposed access will result in a loss of on street parking for the residents of Landland Close.
- Concerns have been raised that the proposed development will restrict access for emergency vehicles or maintenance vehicles to Langland Close.
- Objectors would rather see access from Manchester Place.
- Concerns raised regarding the effects of further development in the area where there is already a development of new housing under construction in terms of dirt and disruption during the construction phase.

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 Hirwaun and is unallocated.

Policy CS1 emphasises the building of strong, sustainable communities in the Northern Strategy area.

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 – requires new development to be in a sustainable location.

Policy AW4 lists the areas of community infrastructure contributions and planning obligations that may be sought from development proposals, as appropriate.

Policy AW5 – specifies criteria for new development. It requires new development to have an acceptable impact on the character and appearance of the site and

surrounding area and no significant impact on the amenities of neighbouring occupiers. It also requires development to be of sustainable design with good accessibility.

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

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

Policy NSA3 sets out the criteria for residential development in the key settlement of Hirwaun.

Policy NSA10 seeks residential densities of 30 dph or more, and gives criteria for lower densities.

Policy NSA11 states that the provision of at least 10% affordable housing will be sought on sites of 10 units or more.

Policy NSA12 gives further criteria for development within settlement boundaries.

Policy NSA16 outlines the criteria for consideration of re-development of vacant or redundant industrial sites.

National Guidance

Planning Policy Wales

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

PLANNING CONSIDERATIONS

From inspection of the site and surroundings, the key issues are the effects of the proposal upon the character and appearance of the surroundings, the effect on the residential amenity of nearby properties and the effect of the proposal on highway safety.

The site is an unallocated brownfield site inside the boundary of the Key Settlement of Hirwaun. The application is for an extension of an existing outline permission for residential development given on 27 November 2006. The previous industrial unit, used as a precision tooling unit, has been cleared for a number of years. Having regard to the previous decision (05/1878) and the current policies, the principle of residential development in this location is acceptable.

Character and Appearance of the Area

In order to assess whether a residential dwelling can be satisfactorily accommodated on site, the proposed footprint and details regarding the maximum and minimum height of the buildings and access have been submitted.

On the indicative proposed layout plan 16 dwellings are shown to be organised in a linear layout fronting Langland Close. The dwellings indicated are modest in scale and reflect the footprint of existing properties which surround the site.

In respect of the proposed height of the buildings, the maximum and minimum height dimensions proposed suggest that the dwellings will be two storeys in height. This is considered acceptable as the surrounding development is almost exclusively two-storey dwellings and it is not considered that a two-storey building would necessarily lead to detrimental impacts in respect of overlooking, overshadowing or be overbearing on nearby properties. In addition, as all nearby properties are two-storey in height it is not considered that a two storey dwelling would be out of character with the area in this respect. The final design of any building will be considered in a reserved matters application.

The indicative plan shows that the site could accommodate 16 residential units on a 0.5 hectare plot, achieving a density of 30 dwellings per hectare. It is considered that this type of density is suitable for the area and in character with existing development patterns and the density is also in keeping with the requirements of policy NSA10.

It is therefore considered that the proposal in terms of its principle is considered to be capable of being developed in a manner that is well related to the character of the area in keeping with policies AW5, AW6 and NSA10 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

In terms of the effect of the proposal on the residential amenity of neighbouring properties, it is considered that suitably designed dwellings could be erected on this site without harm to the residential amenities of existing dwellings and ensures that overlooking to neighbouring properties is kept to a minimum.

It is considered that the indicative layout plan demonstrates how the site could be developed whilst maintaining acceptable privacy distances and without having an overbearing impact on existing neighbouring properties. It is therefore considered that it has been demonstrated that the site could be acceptably developed for residential purposes with the layout, appearance and scale of the dwellings reserved for future consideration.

Issues relating to noise (complaints arising from construction operations) have been identified by the Public Health & Protection Unit on the previous permission (05/1878) as a temporary issue capable of being controlled by means of a condition restricting hours of operation which is recommended below.

The proposed development is therefore considered to be in keeping with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With reference to highway safety issues and objections raised in this respect, the Transportation Section has raised no objections to the proposal subject to conditions which are recommended below.

With regard to the concerns raised with reference to parking problems in the area, it is considered that the site is of a scale which can accommodate sufficient off-street parking for the proposed development as demonstrated on the indicative plan. It is not considered that the vehicular movement associated with the erection of 16 dwellings would exacerbate existing problems in the area to a degree that would warrant the refusal of the application.

The Transportation have also requested a contribution towards improving the strategic highway network in accordance with Rhondda Cynon Taf's Supplementary Planning Guidance on Planning Obligations, which requires a fixed sum contribution per unit based on the size of the proposed dwellings.

The proposal is considered to be in keeping with the requirements of policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Matters

The Parks Section has recommended that the Council seeks a financial contribution from the Developer of £1000 per property to improve existing outdoor recreation facilities within the Hirwaun area. This is the same amount that was required under the original application (05/1878).

The Housing Strategy Section has recommended that 10% affordable housing provision is sought for the site through the provision of a Section 106 agreement in accordance with the provisions of the Local Development Plan and associated Supplementary Planning Guidance. The draft Local Housing Market Assessment 2010 identified a need for 14 x 1 bedroom social rented units and 2.5 x 2 bedroom low cost home ownership units in the area per annum. Given the small quantity of units proposed, the Housing Strategy Section has recommended that 2 x 2 bedroom houses are provided on site by the developer for low cost home ownership. The applicant has confirmed that they would provide 2 x 2 bedroom units as part of a detailed scheme.

Having regard to the above issues the application is considered to be in keeping with policies NSA10, NSA11, NSA12, AW2, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and is therefore recommended for approval subject to the following conditions.

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

Heads of Terms

- That the applicant enters into an agreement to make a transport tariff contribution towards improving the strategic highway network at a rate of:
 - a) Residential 1/2 bedrooms £2,256 / unit x 75% at Level 2 tariff
 - b) Residential 3/4/5 + bedrooms £3,008 / unit x 75% at Level 2 tariff
- That 10% of the total number of units are made available for social rent in accordance with policy NSA11 of the Rhondda Cynon Taf Local Development Plan.
- That the applicant enters into an agreement to make a contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit.

RECOMMENDATION: Grant

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

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

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

 (d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 10 years from the date of the original permission (05/1878) or (ii) the expiration of 7 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

 Reason: To comply with Section 92 and 93 of the Town and Country Planning Act 1990.
2. Before the submission of the application for the approval of reserved matters, there shall be deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that proper site investigations have been carried out at the site sufficient to establish what ground precautions are necessary in relation to the proposed development and what precautions 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 conditions. The Certificate shall include details of such precautions and these precautions shall be adopted in full in the carrying out of the development for which planning permission is hereby granted.

Reason: The site may be liable to underground subsidence.

3. Before works commence on site a detailed report shall be prepared and submitted for the approval of the local Planning Authority. This report shall incorporate a detailed investigation of the ground conditions and levels of contamination within the site and methods for dealing with the same. Prior to the commencement of the development hereby approved such measures as are recommended and specified in the report shall be undertaken to the satisfaction of the Local Planning Authority in consultation with the Council's Public Health and Protection Service.

Reason: The site may be contaminated due to previous use.

4. Development shall not begin until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as agreed prior to the dwellings being brought into beneficial use.

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

5. 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The site shall be served by a single means of access from Langland Close in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to work commencing. The approved details shall be implemented prior to the development being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

7. Langland Close shall be provided with a turning facility in accordance with

details to be submitted to and approved in writing by the Local Planning Authority prior to work commencing. The approved details shall be implemented prior to the development being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

8. The site boundary fronting Langland Close shall be set back and a 2m wide footway provided in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to works commencing. The approved details shall be implemented prior to the development being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

9. The site boundary fronting the rear lane to Manchester Place shall be set back and the rear lane widened to no less than 4.5m, and made up to adoptable standard in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to work commencing. The approved details shall be implemented prior to the development being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

10. The existing vehicle cross-over shall be reinstated with flexible footway construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to work commencing. The approved details shall be implemented prior to the development being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

11. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street lighting and surface water drainage etc., including details of the tie in of the proposed access to the public highway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineering details.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

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

assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales.

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

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
14 MAY 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

Agenda Item No. 7
<p>APPLICATION NO: 11/0410/15 – RENEWAL OF OUTLINE PLANNING PERMISSION (05/1878) PROPOSED RESIDENTIAL DEVELOPMENT. LAND BETWEEN MANCHESTER PLACE/LANGLAND CLOSE (NIDUM FACTORY SITE) HIRWAUN.</p>

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

That Members approve the application.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 23rd June 2011 (a copy of the original report is reproduced as **APPENDIX A**). At that meeting Members resolved to approve the application subject to the conditions as set out in the APPENDIX A report and the applicant entering into a Section 106 Agreement to secure:

1. A transport tariff contribution towards improving the strategic highway network;
2. 10% of the total number of units being made available for social rent; and
3. A contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit.

(minute No. 9(7) refers). During the processing of the Section 106, an issue with regard to landownership and the land ownership certificates submitted as part of the planning application arose. Whilst this matter has now been resolved by the applicant serving notice on the landowner and providing the Authority with a revised Certificate B, the Agreement has not been concluded.

As Members will be aware the Community Infrastructure Levy (CIL) was introduced by the Council on December 31st 2014. CIL is now the means by which the Council secures contributions for infrastructure improvements.

Under the relevant Regulations a Section 106 Agreement can no longer constitute a reason for granting planning permission to the extent that the obligation provides funding for infrastructure which will be funded by CIL.

The site is within Zone 1 where there is a £ nil charge for residential development therefore there is no contribution required in this case and it would be now be inappropriate to pursue the previous Transport Tariff contribution requested.

Having regard to the previous resolution and the advice given above, Members are requested to approve the application subject to the conditions as originally set out, but without the Transport Tariff contribution element of the S.106. However, the following requirements of the S.106 will remain appropriate subject to a Section 106 Agreement to secure:

1. 10% of the total number of units being made available for social rent; and
2. A contribution towards the improvement of existing outdoor play facilities in the area at a rate of £1000 per unit.

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

16 JULY 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION N0: 11/0410/15 –
RENEWAL OF OUTLINE
PLANNING PERMISSION (05/1878)
PROPOSED RESIDENTIAL
DEVELOPMENT. LAND BETWEEN
MANCHESTER PLACE/
LANGLAND CLOSE (NIDUM
FACTORY SITE) HIRWAUN**

OFFICER TO CONTACT

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See Relevant Application File

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