

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
16 JULY 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

	Agenda Item No. 8
APPLICATION NO: 13/0447/10 – RESIDENTIAL DEVELOPMENT TO CREATE 23 NO. HOUSES (AMENDED PLANS RECEIVED 08.07.13.) FORMER WILLIAMSTOWN PRIMARY SCHOOL, ARTHUR STREET, WILLIAMSTOWN, TONYPANDY	

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 5th December 2013 (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 of £34,592 in accordance with the Supplementary Planning Guidance;
2. Countryside and Leisure (Parks) – a commuted sum of £30,000 for future maintenance of the play area should it be adopted;
3. Provision of 2 affordable housing units in the site made available for sale as Low Cost Home Ownership; and
4. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement. (Minute 142 (2) refers)

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 and therefore there is no contribution required in this case and it would 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 without the Transport Tariff contribution but subject to conditions outlined in the original report and a Section 106 Agreement to secure:

1. Countryside and Leisure (Parks) – a commuted sum of £30,000 for future maintenance of the play area should it be adopted;
2. Provision of 2 affordable housing units in the site made available for sale as Low Cost Home Ownership; and
3. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

APPENDIX A

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

RECOMMENDATION: Approve

REASONS:

The proposal is considered acceptable in principle.

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

APPLICATION DETAILS

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

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

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

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

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

The application is accompanied by the following:

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- Design and Access Statement;
- Bat survey.

SITE APPRAISAL

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

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

PLANNING HISTORY

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

PUBLICITY

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

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

CONSULTATION

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

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

Land Reclamation & Drainage – no objections subject to a number of conditions, including the submission of a full drainage scheme to the local planning authority for approval. The Drainage Section has expressed concerns regarding the information submitted in relation to surface water drainage however this can be resolved via a condition.

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

Education – no objections.

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

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity. A bat survey has been submitted which has identified that the buildings on the site are used by bats and a European Protected Species licence will be required before any work is carried out.

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

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

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

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

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

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

Policy CS4 – Housing Requirements.

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

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

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

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

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

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

Chapter 4 (Planning for Sustainability),
Chapter 6 (Conserving the Historic Environment),
Chapter 8 (Transport),
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

The key considerations in this case are whether the proposed redevelopment of the site for 23 dwellings will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

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

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

Principle of development

The application site consists of a former primary school which forms part of the village of Williamstown. Under the provisions of the Local development Plan, the site is within settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its proximity to the Williamstown local centre which ensures that there are local facilities nearby.

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

Character and Appearance of the Area

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

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

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

Residential Amenity

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

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

The distances between the habitable room windows of existing and proposed properties are considered to be acceptable. Whilst some distances between the properties will be less than 21m (particularly along Blanche Street and Arthur Street), it is considered that this is reflective of the existing relationship between residential properties in the area further along the streets and it is considered acceptable in this case. It is not considered that the proposed dwellings will have an overbearing impact on the neighbouring properties. It is considered that whilst the development will have an impact on the residential amenity of surrounding properties, on balance,

it is not considered that the development will have such a detrimental impact as to warrant the refusal of the application.

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

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

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

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

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

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

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

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

Other Issues

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The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

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

PLANNING OBLIGATIONS

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

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

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

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

The Section 106 requirements in this case

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

1. Transport - a contribution of £34,592 as a Transport Tariff in accordance with the Supplementary Planning Guidance.
2. Countryside & Leisure (Parks) - a commuted sum of £30,000 for future maintenance of the play area should it be adopted.
3. Provision of 2 affordable housing units on the site made available for sale as Low Cost Home Ownership.
4. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

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

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

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

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

3. Notwithstanding the approved plans, building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all

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materials used shall conform to the sample(s) so approved.

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

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

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

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

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

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

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

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

Reason: To ensure the development constructed is in accordance with

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policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

8. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the internal road layout including sections; street lighting details, traffic calming and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

13. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning

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

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

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

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

15. No development shall take place until a method statement (MS) to deal with bat mitigation has been submitted to and approved in writing by the local planning authority. The MS shall include, but not be limited to:

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

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To afford protection to animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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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 NO: 13/0447/10 –
RESIDENTIAL DEVELOPMENT TO
CREATE 23 NO. HOUSES
(AMENDED PLANS RECEIVED
08.07.13.) FORMER
WILLIAMSTOWN PRIMARY
SCHOOL, ARTHUR STREET,
WILLIAMSTOWN, TONYPANDY**

OFFICER TO CONTACT

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(Tel. No. 01443 494889)**

See Relevant Application File