

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
6 AUGUST 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
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: 14/1533 - Phase 1 of regeneration scheme to include a co-housing scheme for 10 units and a shared community house facility, land to east Of Heol-Y-Waun But Within Heol Pendyrus, Penrhys.
2. Application: 15/0453 - Widening of existing vehicular/pedestrian access including alterations to existing boundary wall with addition of pedestrian gate. Additional parking within the site with associated works, Chapel House, Llantrisant Road, Groes-Faen, Pontyclun.
3. Application: 15/0473 - Industrial development of 9272m2 GIA along with associated service yards and parking. Reserved matters of access, appearance, landscaping, layout and scale sought as part of this submission, land at Parc Eirin, Wilfried Way, Tonyrefail.
4. Application: 15/0692 - Raising of roof to provide first floor accommodation and 2 no single storey extensions to the side & front of the bungalow, 9 Tanybryn, Penrhiwceiber, Mountain Ash.
5. Application: 15/0715 - Erection of 2 domestic garages, land rear 67 Crawshay Street, Ynysybwl, Pontypridd.
6. Application: 15/0731 - Single storey rear kitchen/w.c. extension with flat roof, 44 James Street, Maerdy, Ferndale.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 14/1533/16 (GD)
APPLICANT: SeEd Living Limited
DEVELOPMENT: Phase 1 of regeneration scheme to include a co-housing scheme for 10 units and a shared community house facility
LOCATION: LAND TO EAST OF HEOL-Y-WAUN BUT WITHIN HEOL PENDYRUS, PENRHYS.
DATE REGISTERED: 15/01/2015
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development has been established through the grant of outline planning permission 12/0201 and the current proposals remain compliant with the objectives of the outline consent and represent the first step in the regeneration of the wider area.

APPLICATION DETAILS

The current submission seeks reserved matters approval for the construction of a co-housing project comprising 10 residential units with a centrally located shared house. The proposals represent the first element in the first phase of the regeneration of a much wider area located between Heol Y Waun and Heol Pendyrus, Penrhys.

The proposals will comprise

- 6no. 3 bedroom houses
- 2no. 2 bedroom houses
- 2no. 1 bedroom flats, and
- A communal house comprising library/computer room, workshop, laundry, storage areas, communal living area, toilets and circulation space.

All of the buildings are of two storey construction however all other than the two bedroom houses cut into and make use of the natural slope of the site. The buildings will be built in combinations of walls in white render, slate and natural timber boarding with the roofs in slate or sedum with photo voltaic panels fitted.

Access to the site would be achieved through the creation of a new access road adjacent to the northern boundary of the site which would link Heol Y Graig with Heol Pendyrus and two groups of five parking spaces will be provided on the south side of the road.

The southern portion of the site will be given over to a shared landscaped garden area and a shared parkland area.

The application is accompanied by the following:

- Design Statement:

SITE APPRAISAL

The current application site lies within the boundaries of the larger irregular shaped site, previously granted outline planning permission which is located on the eastern side of Penrhys Village and within the settlement boundary (as identified in the Rhondda Cynon Taf Local Development Plan). The land subject of the reserved matters application generally slopes from north to south. It is enclosed on its northern and eastern boundaries by the perimeter road which circles Penrhys and to the west by Heol Y Graig. The application site previously formed part of the Penrhys housing estate and there is still evidence of roads, hard surfaces and other services that once served the houses/flats which have since been demolished. A Public Right of Way (Tylorstown 7) runs south of the application site and is unaffected by this application. The majority of the site is covered with rough grassland.

PLANNING HISTORY

12/0201	Residential development (outline application)	Approved 13/09/12
05/0953	Provision of fencing, hard and soft landscaping to derelict area for community use	Approved 26/07/05

PUBLICITY

The current application has been advertised by means of press notice, site notices and neighbour notification letters. This has resulted in the submission of one letter expressing the following concerns –

- The phase 1b cluster 2 element is concerning to residents as the green has been part of the estate since 1967 and was refurbished in 2004 with the benefit of European funding. The green has also been used for the scattering of residents ashes and there may be a legal requirement that no form of development should take place on this land without the benefit of consent from the tenants.

CONSULTATION

Highways & Transportation – no objections subject to conditions.

Drainage – no objections subject to conditions

Public Health & Protection – have no observations to make in respect of these proposals.

Housing Strategy – this particular proposal is wider in scope than a traditional residential development, with the aim of instilling a greater degree of tenure mix into the area and regenerating the social housing stock. Indeed, the Local Housing Market Assessment 2014 – 15 identified a social housing surplus, (across all unit types) in Tylorstown. It would thus prove more expedient to re-utilise any surpluses generated from this development, to upgrade and enhance the existing local social housing stock in an effort to preserve and re-stimulate demand for these properties.

This proposal would therefore be acceptable in the context of the adopted policy framework providing that any surplus made from the sale of these properties (up to the value of 30% of a new build two bedroom house within Tylorstown), is reinvested within the existing social housing stock of Tylorstown.

Natural Resources Wales – have no comment to make in respect of the planning application and provide guidance notes to be referred on to the developer with regard to issues pertinent to their areas of responsibility.

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

Western Power Distribution – no observations received.

Wales & West Utilities – no observations received.

South Wales Fire & Rescue Service – no observations received.

Countryside Section – no objections subject to conditions.

Education – no objections.

Glamorgan Gwent Archaeological Trust – it is unlikely that archaeological material would be encountered and therefore we have no objection to the positive determination of the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS5 – places a requirement for the provision of affordable housing.

Policy AW1 – Indicates that the housing land supply will be met in part by the development of unallocated land within defined settlement limits.

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

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

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

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

Policy NSA10 – requires a minimum housing density of 30 dwellings per hectare unless there are other mitigating circumstances that would prevent this.

Policy NSA11 – requires the provision of 10% affordable housing in the northern strategy area.

Policy NSA12 – Sets criteria for the consideration of residential development proposals within and adjacent to settlement boundaries within the Northern Strategy Area.

National Guidance

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

Planning Policy Wales

Chapter 2 (Development Plans),
Chapter 4 (Planning for Sustainability),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
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:

In this instance it is considered that the key elements in the determination of the planning application are the principle of the proposed development in planning policy terms, the altered phasing of development at variance with the requirements of the outline planning permission, the impact of the proposals on the character and appearance of the area, impact on residential amenity and access and highway safety issues.

Principle of the proposed development

In planning policy terms there is general support for the proposed development insofar as the application site lies within defined settlement limits and is not allocated for any specific purpose. Its redevelopment as housing would conform with Local Development Plan Policies CS1, AW1 and AW2 as the site is a sustainable location and its development would bolster the delivery of new housing. The design of the proposed dwellings is deliberately modern but not out of place or acceptable in terms of accessibility and amenity. Further, at the heart of the design approach is a desire to make these houses energy efficient all of which demonstrates compliance with Local Development Plan policies AW5 and AW6. Whilst the unique nature of the current proposal does not readily fit with the affordable housing policies of the Local Development Plan Members should note the acknowledgement of the nature of the scheme from the housing strategy team as outlined above.

Clearly the development would satisfy the requirements of policy at the local level and there is nothing at the national level that would drive policy considerations in respect of this proposal in a different direction.

The Phasing of the Development

The outline planning permission granted for the site and its associated Design & Access Statement set out a phasing plan which indicated that the site should be developed from the south with development progressing northwards through the site. This approach to development was then tied in by condition 3 of the outline planning permission which required development to proceed sequentially along these agreed phases unless otherwise agreed in writing with the Local Planning Authority.

The current submission is the first submission of reserved matters for this site and does not follow the phasing plan originally agreed for the development but instead seeks to work in a different way starting building in the northern part of the site with the intention now being that the site will develop in broad terms from north to south building back towards the established housing in Penrhys.

The reason for insisting on a phased approach to development was to maintain a standard of visual amenity and to accord with the requirements of policies AW5 and AW6. The question is therefore; would the revised phasing of the development have any adverse impact in the context of visual amenity or planning policy? The applicants are not abandoning a phased approach to the development of the site but are altering the phased approach to better reflect current market conditions and to align the development with the financial structuring that will bring the site forward. There is a revised phasing plan that illustrates that despite the shift in the starting point the site can still be brought forward in a coherent manner. Starting the development at the location now proposed would for the short to medium term have a greater visual impact than the initially proposed starting point given the distance between the site and the established housing of Penrhys, this impact will though diminish as the rest of the site comes forward for development. Also, the applicants have kept the visual impact of the proposed development to a minimum by seeking to work with the slope of the ground in the creation of split level dwellings and by placing the access road behind the houses which would screen it from views other than from the upslope side of the development. The current proposal otherwise adequately addresses the amenity and accessibility concerns set out in policy AW5 and the aesthetic concerns of policy AW6.

One resident did express concern that the initial revised phasing plan did not respect the area of public open space/community garden that lies adjacent to the established housing on Heol Y Waun. The revised phasing plan now shows this area as remaining.

Impact on the character and appearance of the area

The current proposal picks up on a number of themes first identified at the outline planning permission stage in the orientation of the proposed dwellings and the utilization of the natural levels of the site bringing the development forward to create and exploit views over the adjacent countryside for the residents. This is then enhanced by the creation of a community garden to the south of the proposed dwellings which will soften the edge of this part of the site as it sits adjacent to open countryside and a designated green wedge and will also provide a safe and well surveyed facility for the residents.

Whilst the location of the proposed houses for this phase of development will be to some extent detached from the remainder of Penrhys by their very location it is otherwise considered that the proposal would have a positive impact on the character and appearance of Penrhys which with time and the additional new development fitting in-between can only improve.

Impact on residential amenity and privacy

The location of the development subject of the current submission for the approval of reserved matters is sufficiently distant from any established property so as not to present a problem in terms of any impact on privacy or residential amenity for them, the nearest proposed dwelling being in excess of 100m from the nearest established

dwelling. Within the site itself, the proposed dwellings are arranged around a community hub in a manner that allows for adequate privacy and social interaction for any future residents. As such the proposal is considered acceptable.

Access and highway safety

Securing a safe access into the site was initially the source of much concern to the Council's Highway Engineers, however, following a number of meetings and the submission of revised proposals the current submission is considered acceptable in terms of access and highway safety.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

This is a reserved matters planning application following on from the grant of outline planning permission. At the outline stage it was agreed that the unique nature of the wider redevelopment proposals along with the nature of land ownership was such that it did not warrant the pursuit of any Section 106 requirements and that matters relating to the provision of public open space and its upkeep could be adequately dealt with through the imposition of appropriate planning conditions and this remains the case.

The Community Infrastructure Levy (CIL) was introduced by 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.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of housing provision generally and in terms of the impacts of the proposed development on amenity and aesthetics. There are no material considerations that would direct the current proposals towards a refusal.

RECOMMENDATION: Grant

1. The consent hereby granted relates to the following plans:-
 - The revised indicative masterplan received 20th May 2015.
 - The co housing block plan drawing no. 372 P-002 Rev B received 16th June 2015.
 - The site location plan drawing no 372 P-003.
 - The site plan 1 of 2 drawing no 372 P-004 Rev C received 16th June 2015.
 - The site plan 2 of 2 drawing no 372 P005 Rev E received 16th June 2015.
 - The 3 bed house plans drawing no 372 P-008 Rev B.
 - The 2 bed house plans drawing no 372 P-009 Rev A.
 - The 1 bed house plans drawing no 372 P-010 Rev A.
 - The Communal house plan drawing no 372 P-011 Rev A.
 - The typical co housing unit section drawing no 372 P-012.
 - The site sections drawing no 372 P-013 Rev A.

Reasons: for the avoidance of doubt as to the approved plans.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected 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 with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in

writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

4. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout to incorporate 2.0m footway, 0.5m hard margin strip and 5.5m access road including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x 40 metre vision splays with no planting or obstruction above 900mm permitted within the required vision splay area.

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

6. Notwithstanding the details shown on the submitted plans, development shall not commence until details of proposed 2.0m footway link around Heol Pendyrus along the site boundary (Phase 1) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the first dwelling.

Reason: In the interests of highway safety.

7. Notwithstanding the details shown on the submitted plans, development shall not commence until details of a new bus stop to promote sustainable mode of travel to include raised boarder kerbing, shelter, flag and pole have been submitted to and approved in writing by the Local Planning Authority. The bus stop shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

Reason: In the interests of highway safety.

8. Notwithstanding the details shown on the submitted plans, development shall not commence until details of cycle parking to promote sustainable mode of travel have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented to the

satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

Reason: In the interests of highway safety.

9. The development shall not be brought into use until space has been laid out within the site for 10 vehicles to be parked in accordance with the submitted plan P-004-REV C to and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

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

10. No works shall commence on site until details and design calculations of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway safety.

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APPLICATION NO: 15/0453/10 (CPU)
APPLICANT: The Ashgrove Trust
DEVELOPMENT: Widening of existing vehicular/pedestrian access including alterations to existing boundary wall with addition of pedestrian gate. Additional parking within the site with associated works.
LOCATION: CHAPEL HOUSE, LLANTRISANT ROAD, GROES-FAEN, PONTYCLUN, CF72 8NQ
DATE REGISTERED: 30/04/2015
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The proposed development, which includes works to widen an existing access off Llantrisant Road, would facilitate off road parking in association with the use of the Chapel as a meeting hall for the Brethren Christian Church. There are no highways objections to the application and the development is considered to have an acceptable impact upon the amenities of neighbouring properties and the character and appearance of the surrounding area.

APPLICATION DETAILS

Full planning permission is sought to widen an existing access onto Llantrisant Road and provide off road parking within the grounds of Chapel House, Llantrisant Road, Groesfaen. The key aspects of the works proposed are as follows:

- Widening the existing access onto Llantrisant Road by 1.13 metres. Currently, the access onto Llantrisant Road is 3.7 metres wide. It is proposed to increase the opening to 4.83 metres in width and replace the existing gates. The new vehicular access gate would measure 2 metres in height and would be set back 2.8 metres from the edge of the pavement. Two new stone piers, also finished to match the existing, would be constructed to a height of 2.6 metres from the adjacent pavement level. In addition, it is also proposed to drop the height of a 2.9 metre wide section of wall and railings either side of the proposed piers from 2 metres down to 1.6 metres in height.
- Create a 1.2 metre wide opening within the existing wall and erect a 2 metre high pedestrian gate to provide access to the graveyard located within the south-eastern corner of the site.
- Provide a car parking area for 41 vehicles (36 standard spaces measuring 2.4m x 4.8m, and 5 disabled spaces) to the north and east of Chapel House.

The Design and Access Statement accompanying the application states that the Chapel was purchased by the Ashgrove Trust in 2014. It is stated that the applicants intend to utilise the existing buildings as a meeting hall for the Plymouth Brethren Christian Church. The statement also notes that a condition of the purchase of the property was that the applicant had to maintain and erect a close boarded timber fence to the perimeter of the graveyards either side of the entrance to the property. This work has already been completed and has been deemed to be permitted development. Another condition of the sale was for the installation of a new pedestrian gate to the eastern graveyard. This aspect is included in the application and is referred to in the schedule of works listed above.

SITE APPRAISAL

The application site relates to the grounds of Chapel House, also known as 'Babell Chapel'. It is located within a broadly rectangular shaped curtilage that is elevated above Llantrisant Road. The Chapel and the associated buildings are located on the western half of the site, approximately 14 metres north of Llantrisant Road. There are two graveyards forward of the Chapel which have recently been enclosed by close boarded timber fencing. The land to the side of the Chapel has also been cleared and a number of trees are believed to have been removed from this location in preparation for the car park. This area of ground is subject to small changes in level, particularly within the north-eastern corner of the site. To the rear, there is a rectangular parcel of ground that is flat in level. Although it is clear that a number of trees have been removed, there is some landscaping maintained along the rear and eastern boundary.

The southern boundary of the site fronts onto Llantrisant Road. It is defined by a traditional stone wall with steel railings above. The existing vehicular access off Llantrisant Road is located roughly in the centre of the elevation, in-between the two graveyards. A bus stop is located immediately to the right of the access. On the opposite side of the road, there are a number of traditional semi-detached and terraced houses fronting onto Llantrisant Road. To the west, there is a link of three villas and to the east, a detached bungalow. At the rear, there are detached houses (Y Parc) situated on a higher level.

PLANNING HISTORY

07/0799	Garage conversion to toilet, small storage area and kitchen	Granted 27/07/2007
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PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. There have been 2 letters of objection received to the application which are summarised as follows:

- The application is made in retrospect without any liaison with residents. The graveyard has been fenced off, trees have been felled and 'scrub' has been cleared and the ground has been prepared for the car park;
- The continued practical and reasonable operation of the graveyard needs to be maintained;
- The unauthorised siting of air conditioning units on the western elevation of the Chapel are noted;
- Details of the trees that have been felled and the reasoning for this. How the ground has been remodelled and how wildlife interest was dealt with;
- The removal of the trees has totally changed the topography of the site and the views from the houses directly opposite and from behind in 'Y Parc'.
- Queries are raised regarding the accessibility of the pedestrian access to the graveyard;
- The highway implications relating to the provision of 41 parking spaces in an area which is viewed as a 'major bottleneck' in the highway;
- Clarification is requested regarding the proposed use of the Chapel;

In addition to the above, a letter of objection has also been received from Pontyclun Community Council requesting consideration to be given to:

- The safety of road users and pedestrians;
- The visual aspect of the existing wall along the boundary of the Chapel;
- The access implications to the burial ground.

CONSULTATION

Transportation Section - no objection subject to conditions.

Land Reclamation & Engineering -no objection.

Public Health & Protection - no objection.

Dwr Cymru Welsh Water - no adverse comments received.

Countryside, Landscape & Ecology - no objection but suggests a landscaping scheme which is sympathetic to surrounding wildlife.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The following policies are considered to be of relevance in the determination of this application:

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

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

Policy AW8 – Protection and Enhancement of the Natural Environment.

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

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 3 (Making and Enforcing Planning Decisions), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

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 application relates to alterations to an existing access and the provision of off road parking in association with the use of the Chapel as a meeting hall for the Plymouth Brethren Christian Church. There is no change of use proposed as part of this application and the development is considered to be acceptable in principle subject to the material planning considerations set out below.

Impact on the character and appearance of the area

The Chapel has a prominent and open frontage onto Llantrisant Road. As pointed out by residents, the two graveyards positioned to the front of the site have been enclosed by close boarded timber fencing. A number of trees have also been felled as part of the clearance works in preparation for the car parking area proposed under this application. Whilst this is regrettable, planning permission is not required for the erection of the fencing at the height constructed or the removal of trees not protected under a designated order. Therefore, whilst appreciating the concerns raised by residents, these matters fall outside the control of the Local Planning Authority.

The main visual impact of the operational works proposed by this application relate to the widening of the access onto Llantrisant Road and the provision of an off road parking area at the rear of the site. The widening of the access would result in alterations to the stone boundary wall and the provision of a new vehicular access gate and stone piers. The new section of wall and stone piers would be constructed to match the style and materials of the existing stone wall and is considered to be acceptable from a visual amenity point of view. The new vehicular access gate would be set back 2.8 metres from the edge of the pavement and would also be of a similar style and height as the gates which would be replaced. A new pedestrian access gate proposed to serve the graveyard within the south-eastern corner of the site is also considered to be acceptable matching the height and style of the existing pedestrian gate located within the western corner of the boundary wall. Accordingly, the widening of the access and the alterations to the existing boundary wall are considered to be visually acceptable.

The off road parking area would be set back into the site and to the rear of the eastern graveyard. The loss of an area which was previously landscaped and aesthetically pleasing is unfortunate however, the removal of trees took place prior to the submission of this application and planning permission was not required. Having

regard to the location of the parking area, set back from the frontage of the site, it is not considered that the provision of a hardstand at this location would be so detrimental to the warrant the refusal of planning permission. Nevertheless, it is suggested that a landscaping scheme would help to soften the visual impact of the car parking from the view off Llantrisant Road. This scheme is suggested via condition number 3. Having regard to this, the development proposed is considered to have an acceptable impact upon the visual amenity of the application site and the surrounding area.

Impact on residential amenity and privacy

The application site is located within a predominately residential area and consideration should be given to the potential impact of the works to the amenities of those living closest to the site. The existing access serving the Chapel is located within the middle of the site and the opposite side of the highway to the neighbouring properties to the south. The widening of the access and the alterations proposed to the boundary wall by virtue of their very nature and location is not considered to pose any significant amenity issues to neighbouring properties.

Nevertheless, it is acknowledged that a level of noise and disturbance could be experienced as a result of the activities associated with the provision of a car parking area at the site. Whilst this impact to neighbouring properties is recognised, it is not considered that the car park is of a scale which would be so detrimental to the amenities of neighbouring properties to warrant the refusal of planning permission. The Council's Public Health and Protection Officer has also considered the proposal and raised no objection in this respect. Moreover, it is noted that vehicles could park within the site at present without the need for planning permission. Planning permission is only required for the operational works proposed which is the surfacing of the car park. It is however suggested that the landscaping scheme referred to earlier in this report should integrate measures to soften the impact of the car park along the boundaries with neighbouring properties, particularly adjacent to the boundary with the detached bungalow to the east (Springfield).

In addition to the above, it is also acknowledged that there is a small level change within the north-eastern corner of the site which will require some levelling out. However, it is not considered that the degree of the works required would be harmful to the amenities and privacy of neighbouring properties.

Access and highway safety

Comments received from residents during the course of this application raise concern that the access to the Chapel is located at a point in the carriageway which is a major bottleneck and is too narrow to sustain further vehicular access, particularly during peak periods of the day. An objection has also been received from Pontyclun Community Council in relation to the implications of the proposal on the safety of road users and pedestrians.

The proposal seeks to improve the existing vehicular access onto the Llantrisant Road to provide an area for off-road parking in association with the existing use of the building. Whilst appreciating the concerns raised, there is currently no formal off road parking at the Chapel and the proposed development would reduce the demand for on-street parking in the locality.

The Transportation Section has assessed the proposal and has raised no objection subject to conditions relating to the details of the surface material for the car park and the approval of a construction method statement. On consideration of the application, it has been noted that the proposed access lies within the 30mph speed restriction at Groesfaen and is approximately 150m from a traffic speed camera. In the view of the Transportation Section, the on-street parking associated with the houses opposite the site and the presence of a bus stop reduces vehicle speeds at the location of the site access.

Some concern has however been raised that the widening of the existing access would result in an encroachment on the existing bus stop cage marking and this potential impact has been considered as part of the assessment. However, consideration has been given to the brief period of time buses remain stationary at the stop and the likelihood that this would coincide with the times of the high activity at the access to the Chapel. On balance, the Transportation Section considers that the impact of the widening of the access on highway safety to be acceptable.

In terms of visibility, a splay of 2.4m by 40m is required at the access. The existing walls adjacent to the access would be rebuilt to a maximum height of 0.9m to assist in the provision of a 2.4m by 40m visibility splay above the wall level and 2m by 40m splay along the face of the new wall which is considered to be acceptable. The width of the driveway to the car parking area has also been assessed and in this respect, it is noted that the vehicular access gates would be set back off the pavement and the access to the parking area would be widened to 4.8m in width which is sufficient to allow cars to pass. The layout of the proposed car parking area is also acceptable providing sufficient space for access, circulation and manoeuvring.

Whilst appreciating the concerns raised by residents, there are no highways objections to the application and therefore, the development is not considered to prejudice highway safety and is in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

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

Drainage

Surface water from the proposed development is considered to be discharged into the mains sewer. There have been no adverse comments received from Dwr Cymru

Welsh Water at the time of writing this report and the Council's Drainage Section has raised no objection subject to drainage details being approved by the Council prior to the commencement of the development. This would ensure the most appropriate method of drainage is utilised as part of the proposed development.

Ecology

As noted previously in this report, clearance works have taken place at this site prior to the submission of this application. These works have included the removal of trees towards the rear of the site which has led to residents raising concern over the ecological and visual impact of these particular works at the site. These concerns have been considered by the Council's Ecologist, however, he has advised that given the clearance works already undertaken, further survey work of the site is not required for this application. The removal of the trees did not require planning permission and therefore, only the impact of the operational development on the existing conditions can be considered. In relation to this, the Ecologist has suggested a landscaping scheme which is sympathetic to the surrounding wildlife.

Other Matters

With reference to the comments made by residents and the Community Council in relation to the enclosure of the two graveyards and the accessibility implications to the burial grounds, Members should note that the Council's Enforcement Section has investigated this matter and has assessed that planning permission is not required for the erection of the close board fencing around the perimeter of the two graves. The Local Planning Authority therefore has no control over access to the graveyards. The applicant has however confirmed that access would be maintained via two pedestrian gates located in the boundary wall fronting Llantrisant Road. The gate serving the western graveyard is proposed to remain as existing. The eastern graveyard would be served via a new pedestrian gate proposed as part of this application.

In relation to the matter raised in respect of air conditioning units erected at the Chapel, this is currently being investigated by the Council's Planning Enforcement Section and does not form part of this application. It is anticipated that a separate planning application will be received for the siting of the air conditioning units.

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 concerns raised by residents and Pontyclun Community Council have been considered. However, the proposed development is not considered to adversely impact upon highway safety. The proposed works to the boundary wall and access are also considered to be acceptable from a visual amenity point of view and conditions are suggested to ensure that the materials utilised would match the existing finish of the wall. Regrettably, a number of trees have been felled to facilitate the provision of a car parking area however, the removal of the trees did not require planning permission and the ecological implications of the development have been considered as part of this application. The development is in compliance with the Local Development Plan and it is therefore recommended that the application is approved subject to 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):

Proposed site layout - 070 - AL(90)01.

Proposed elevation from highway 070 - AL(90)02.

Site Location Plan - 070 - AL(90)00.

and documents received by the Local Planning Authority on 02/04/2015 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 a scheme detailing soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, to afford protection to surrounding wildlife and to ensure that the development will be visually attractive in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development adjoining the areas to be so landscaped, 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: In the interests of residential amenity, to afford protection to surrounding wildlife and to ensure that the development will be visually attractive in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Building operations shall not be commenced until samples/details of the following have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample/details so approved.
- Sample of the stone proposed to be used for the boundary wall and piers;
 - The finishing colour of the proposed vehicular and pedestrian gate;
 - The finishing colour of the proposed iron railings;

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

6. No development shall take place until details of the construction of the car park shown on drawing number 070-AL (90)01, including levels, drainage and details of the finished surface have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the beneficial use of the car park and the car parking spaces shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety and to ensure adequate disposal of surface water drainage in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
- the means of access into the site for all construction traffic,
 - the parking of vehicles of site operatives and visitors,
 - the management of vehicular and pedestrian traffic,
 - loading and unloading of plant and materials,
 - storage of plant and materials used in constructing the development,
 - wheel cleansing facilities,

- the sheeting of lorries leaving the site.

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

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

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

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

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

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APPLICATION NO:	15/0473/16 (GD)
APPLICANT:	Department of Economy, Science and Transport
DEVELOPMENT:	Industrial development of 9272m2 GIA along with associated service yards and parking. Reserved matters of access, appearance, landscaping, layout and scale sought as part of this submission.
LOCATION:	LAND AT PARC EIRIN, WILFRIED WAY, TONYREFAIL, CF39 8JS
DATE REGISTERED:	10/04/2015
ELECTORAL DIVISION:	Tonyrefail West

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development has been deemed acceptable in the grant of outline planning permission 05/1017 and its subsequent renewal under application 13/0350.

In terms of the reserved matters seeking approval, the proposal is considered acceptable and allowing the proposal would represent the next step in delivering new industrial floor space in the locality.

APPLICATION DETAILS

The application seeks reserved matters approval for the business element of the Parc Eirin development. The proposal seeks consent for three units set along the eastern lower plateau north of the Ensinger factory and to the east of the Griffin Inn. The units will comprise one unit of 50000 sqft (4645 sq m.) and two units of 25000 sq ft. (2322.5 sq m.).

The large unit will occupy the eastern end of the site adjacent to the Griffin Inn and would be accessed from the established turning head. 100 parking spaces would be provided to the front and eastern side of the property and the eastern side would also contain a service yard and delivery facility for articulated lorries. Units two and three would occupy the northern part of the site between the large unit and the housing development subject of application 15/0474. The units would be placed towards the rear of the plot with each having a service yard and 50 no. car parking spaces towards the front of the plot facing Wilfried Way. Both of the smaller units will have their own individual access on to Wilfried Way.

The larger unit will have overall dimensions of 67m x 70m and will stand 10m. at the ridge and 6m. at the eaves. It has two double pitched roofs. The two smaller units will stand 9m at the ridge and 5m at the eaves. The development of this part of the site will see further reconfiguration of the existing plateau to create three plateaux areas that step downwards from west to east, the net result of this is that the slab level of unit 1 at the western end of the site will be 5m. higher than the slab of unit 3 at the eastern end of the site with unit 2 having its slab 2.5m. above unit 3.

The units will be developed off a brick plinth with mid grey steel cladding walls and darker grey steel cladding roof. Entrance porches will be defined by a variation in the colour of the steel cladding and roof light frames will be in the same mid grey coloured steel as the walls, whilst the rainwater goods will be in the same darker grey as the roof cladding.

Access to all of the proposed units would be via Wilfried Way which was itself developed for the specific purpose of servicing the development now proposed.

SITE APPRAISAL

Other than the housing that is the subject of application 15/0474 this site represents the remainder of the Parc Eirin development plateaux. granted consent under planning application 97/2041. The plateau runs east - west along the base of the Nant Eirin Valley between the stream of the same name and Wilfried Way in Tonyrefail.

Despite the reconfiguration of the land brought about by earlier planning consents, the landscape of the site though to some extent reclaimed by scrub and grassland, still presents an engineered appearance both from a distance across the valley and

close by the site. The Ensinger factory site lies on higher ground immediately south of the site.

Access in the form and extent of Wilfried Way has already been constructed to serve the Ensinger factory which occupies the higher north eastern plateau area, the intention is that this route which links directly with the Tonyrefail by pass will serve the proposed development.

PLANNING HISTORY

13/0350	Variation of condition 1 of outline planning permission 05/1017 to extend the period of time allowed for the submission of reserved matters	Approved 01/04/14
05/1017	Proposed mixed industrial, residential and community facilities (outline application)	Approved 12/04/10
97/2041	Extension to Parc Eirin Estate for B1, B2 and B8 development on to adjacent farmland with the diversion of the Nant Eirin and improvements to other land ownerships (translocation of habitat) and renewal of planning application 56/95/0657 (amendment to condition 1 on planning consent 56/93/0905) to permit excavation to a depth of 4m at Gelli Hair'dd Uhaf Farm, Tonyrefail	Approved 12/06/98
96/0083	Construction of single carriageway roads and roundabouts	Approved 30/09/96
93/0222	Retail petrol filling station, shop, diner, car wash and parking area	Approved 29/06/93
93/0915	Construction of single carriageway roads and roundabouts	Approved 30/09/94
74/1265	Tipping of household refuse and building material	Refused 7/06/76
74/0075	Use of land for tipping purposes	Refused 6/11/74

Related applications

15/0474	Residential development of 225 new homes with associated works (reserved matters)	Not yet determined
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PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in two letters being received which express the following concerns and objections to the current proposal.

- The proposed development would take place on open space that is currently enjoyed by residents.
- Its development would appear to be a contravention of the requirement to protect or enhance the environment including wildlife habitats, trees and woodland parks and gardens – it would adversely impact on wildlife.
- Further industrialization of the area would not respect local context or street pattern or in particular the scale and proportion of surrounding building to the point where it would be out of character with the area.
- The proposal would be detrimental to the local environment.
- The proposal if allowed would have a detrimental impact on the visual and residential amenity of the area as well as its character, given the lack of infrastructure, the density of the proposals representing an overdevelopment of the site and the layout, design, external appearance and landscaping proposals being inappropriate.
- The proposal would result in more noise and smell in the area.
- Highway safety would be compromised by greater traffic generation, inadequate highway capacity and inadequate access, visibility and car parking provision which adversely affects pedestrians and cyclists.
- The proposals are contrary to relevant Council and Government planning policies.
- The proposals if allowed would result in a loss of value to existing properties.
- Article 1 of the Human Rights Act states that “a Person has the right to the peaceful enjoyment of all their possessions which includes their home and other land.”
- The proposals will result in greater use of the local footpath network.
- Works undertaken to date have been a source of distress to some residents and what is now proposed would take place on a much larger scale.

CONSULTATION

Transportation Section – no objections subject to conditions.

Drainage – no objections subject to conditions.

Natural Resources Wales – no response received.

Dwr Cymru Welsh Water – no objections subject to conditions.

Police – express some concern at the presence of footpaths to the rear of the industrial units but do not object to the proposals they also advise in detail in respect of secured by design requirements.

Countryside Section – indicate that there are no records of statutory protected species in the immediate vicinity of the application site and raise no objection to the proposed development subject to conditions should they prove necessary.

Rights of Way – no objection subject to there being no interference with the public footpath network that bounds the site and the applicants securing any temporary stopping up or diversion orders by the appropriate means.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

Policy AW8 – ensures the protection of environmentally sensitive features.

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

Policy SSA4 – requires that new development should reinforce Tonyrefail's role as a key settlement.

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 4 (Planning for Sustainability),
Chapter 5 (Conserving and Improving Natural Heritage and the Coast),
Chapter 7 (Economic Development),
Chapter 8 (Transport),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
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:

As the site has been the subject of an initial grant of outline planning permission under planning application 05/1017 which was then subsequently renewed under planning application 13/0350, it is considered that the principle of commercial development on this site is well established. Further the application for the approval of reserved matters on this site does not offer the opportunity to revisit that particular issue. The key consideration in the determination of this planning application is therefore are the submitted details acceptable in planning terms. In this instance approval is sought for three commercial units with a total of 9272 sq m. gross internal area floor space and associated works, with access, appearance, landscaping, layout and scale under consideration.

Planning Policy

One resident has suggested that the proposals are contrary to local and national planning policies. This is an issue that would have been dealt with principally at the outline planning application stage and the resident is less than specific about which policies they believe the proposals contravene; it would appear that it centres on the loss of open ground to industrial use and the consequences of that in respect of ecology of the area. However, Members may wish to note that the site was created as a development plateau for industrial purposes and the fact that they have not specified why they consider it to have value ecologically when the Council ecologist and Natural Resources Wales have expressed no such concerns somewhat undermines their argument as a material Planning Consideration. The site remains within the settlement boundary of Tonyrefail, which is a key settlement, and as such some form of development of the site is considered acceptable as it will implement the LDP settlement strategy. The principle of a mixed use development remains acceptable under the current Local Development Plan.

Impact on the character and appearance of the area

Though the site would occupy a plateau area specifically created for the purpose of providing industrial development the delivery of built development would result a substantial change in the character and appearance of the area. It is some years since the plateau area was first created and in the intervening period it has been largely untouched and has to a large extent been reclaimed by nature. This has resulted in the requirement for ecological work that is discussed below. Development of the site in the form of new built commercial development and the re-profiling of the site to facilitate it will result in a shift away from the site being an open and unused field to it becoming a purposely designed and built commercial area and this has consequences for the character and appearance of the area. The open field will be reconfigured to provide three flatter building plateaux for the three units and they will be deliberately industrial in terms of their overall appearance. However to suggest that this would not respect local context or be out of scale with the locality or the local street pattern as one resident has does not stand up to scrutiny. The scale of the buildings is similar to that of the adjacent Ensinger development and this sits within the context of the wider area which is one where commercial and residential development sit comfortably with each other. As far as the street pattern is concerned the proposal would build accesses off the already established linear arrangement in the area.

Impact on amenity and privacy

The proposed development is located on a plateau area specifically created to accommodate industrial development. The surrounding area is currently either undisturbed open ground or the adjacent factory unit. As matters currently stand the nearest residential property is located 25m from the site boundary on the south western corner of the Mountain View development, however the houses on the adjacent site would be nearer should consent for application 15/0474 be granted as the sites share a common boundary. Given the distances involved there is the possibility that an open consent on all three units might present a problem for existing and potential future residents of the area and as such if Members are minded to support the recommendation for approval as outlined below it is suggested that proposed Unit 3 be restricted to uses within use classes B1 & B8 which would reduce the potential for adverse impacts on local amenity as a result of any potential use. Whilst the buildings are of a conventional industrial appearance they are not considered to impact on the amenity of the locality in any adverse way that might warrant a negative recommendation on such a basis. The nature and design of the proposals means that they do not raise any issues around privacy for local residents.

Access and highway safety

One resident has suggested that the proposed development would result in an adverse impact on highway safety as a result of a lack of capacity on an inadequate network and inadequate access, visibility and parking provision resulting in greater danger to pedestrians and cyclists. The Transportation Section has not objected to

the proposed development of the basis that the highway network serving the site is modern and designed to accommodate all vehicles that would be associated with any industrial use of the site. Each of the units has its individual access that meets current standards and also has acceptable levels of parking and servicing provision. As such the objections raised by the objector in this instance are considered to be of limited weight.

Sustainability

One objector also touches on the issue of sustainability touching on a lack of connectivity between the site and the rest of Tonyrefail. Whilst the issue of connectivity between the site and the rest of Tonyrefail remains a relevant issue and consequently the inclusion of community facilities within the site and the provision of access improvements and cycle paths remain relevant, the development of the site does not preclude but actually encourages the use of the public footpath routes improving their connectivity through design around the site and this feature would be further enhanced by the development of the adjacent housing site. Despite the concerns of the Police, this in turn can only encourage sustainable forms of transport such as walking and cycling particularly if the new industrial units can provide local jobs for local people.

The Human Rights Act

One resident has referred to Article 1 of the above legislation that makes reference to the right to peaceful enjoyment of possessions which includes the home on other land. Whilst this is no doubt an inalienable right the resident does not demonstrate how the development of a site a minimum of 350m from where the complainant lives would have such a deleterious impact on that right and the fact of the matter is that it is reasonable to conclude that it would have no such effect.

Other Issues:

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

There has been some concern that the development or operation of the site would lead to noise or smell, during the construction phase noise can be adequately controlled through the judicious application of planning conditions and smell historically from construction activities has not been a problem. When operational if the units are occupied by industries that create such a nuisance it would be controlled through other legislation.

With regard to the availability of utilities the relevant consultees have not raised availability as an issue.

Loss of property value as Members are no doubt aware is not a planning consideration.

The Section 106 and Community Infrastructure Levy requirements in this case

This is an application for reserved matters approval and as such there are no section 106 requirements those having been secured under the earlier grant of outline planning permission.

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 planning policy and all other material considerations. As such and despite the concerns raised by local residents the application is offered for consideration by Members with a positive recommendation.

RECOMMENDATION: Grant

1. The consent hereby granted shall relate to the following plans –
 - The location plan drawing no.0254.AS.00 Rev A.
 - The industrial masterplan drawing no.0254.AS.01.
 - Industrial site elevations drawing no.0254.AE00.
 - Industrial site unit one plan drawing no.0254.AL.00.
 - Industrial site unit two plan drawing no.0254.AL.01.
 - Industrial site unit three plan drawing no. 0254.AL.02.
 - Industrial site sections A-A,B-B,C-C drawing no.0254.AX.00.

Reason: for the avoidance of doubt as to the approved plans.

2. No development shall commence until full engineering design and details of the proposed accesses circulation and parking have been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented prior to beneficial occupation.

Reason: In the interests of highway safety.

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

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

4. Within six months of the beneficial occupation of each unit a travel plan for each individual unit shall be submitted to and approved in writing by the Local Planning Authority. The travel plan will be implemented within one month following its approval and maintained and monitored thereafter in accordance with the agreed scheme.

Reasons: To ensure a reduction in road traffic and promotion of sustainable modes of transport in accordance with relevant national and local planning policies.

5. The use of Unit 3 hereby approved shall be restricted to uses within Classes B1 & B2 of the Town and Country Planning (Use Classes) Order 1987 or the equivalent in any legislation replacing or reenacting that Order.

Reason: To define the extent of the consent hereby granted in the interests of residential and general amenity.

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APPLICATION NO: 15/0692/10 (MF)
APPLICANT: Mr & Mrs D Paine
DEVELOPMENT: Raising of roof to provide first floor accommodation and 2 no single storey extensions to the side & front of the bungalow.
LOCATION: 9 TANYBRYN, PENRHIWCEIBER, MOUNTAIN ASH, CF45 3UJ
DATE REGISTERED: 13/05/2015
ELECTORAL DIVISION: Penrhiwceiber

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

Full planning permission is sought for the remodelling of 9 Tanybryn to provide additional living accommodation in the roof space. The works would involve the raising of the ridgeline and eaves, two dormer roof additions, and two single storey extensions, one to the front and one to the southern side of the dwelling respectively. A number of internal alterations would also be undertaken in order to accommodate the revised layout.

It is proposed that the height of both the ridgeline and eaves of the existing bungalow be increased by 1 metre, from 5 to 6 metres and 2.6 to 3.6 metres respectively to allow for 3 bedrooms to be provided in the roof space. Additionally two dormer roof extensions would be installed within the front roof slope to provide extra headroom in the new bedrooms. The proposed dormer extensions would measure 2 metres in width by 2 metres in height, with a maximum projection of 3.5 metres, incorporating a pitched roof design, the highest point of which would be to the full height of the main ridgeline. The additions would be sited to either side of a new single storey extension to be erected centrally within the front elevation. 5 roof lights would also be installed within the rear roof slope.

A single storey extension would be erected to the properties front elevation to form a new central gable feature. The addition would measure 6 metres in width by 4.1 metres in depth, with a pitched roof design to 5.2 metres in height. The extension would be of a modern design incorporating full height glazing in the front elevation.

A further single storey extension would be constructed to the southern side of the property to accommodate a kitchen. It would measure 4.5 metres in width by 4.1 metres in depth, having a pitched roof design to 4 metres in height.

It is also proposed that the existing garage to southern side of the property be demolished to make way for 3 off-street parking spaces.

SITE APPRAISAL

The application property is a detached bungalow located within a residential area of Penrhiwceiber. It is located centrally within a triangular plot having gardens areas all around and a detached garage to the southern side. Sited on a valley hillside, the general topography of the locality rises from east to west and as such the application site is located at higher level than the street to the front, but a lower level than the neighbouring properties to the rear. The adjacent properties within Tanybryn are all semi-detached bungalows of a comparable design and scale to that of the application dwelling, however, the surrounding locality is characterised predominately by a series of linear arrangements of traditional, two-storey terraced dwellings.

PLANNING HISTORY

No previous planning applications have been submitted at the application site.

PUBLICITY

The application has been advertised by means of direct neighbour notification. Four letters of objection have been received from occupiers of surrounding neighbouring properties making the following comments (summarised):

- The resulting dwelling will overlook the surrounding properties.

- The resulting dwelling will overshadow the surrounding properties.
- The resulting dwelling will have an overbearing impact upon the surrounding properties.
- The resulting dwelling will be out of character with the surrounding locality.
- The raising of the ridge height will obscure views from the adjacent properties.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Countryside, Landscape and Ecology – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) and Chapter 4 (Planning for Sustainability) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

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.

Principle of the Proposed Development

The application relates to the extension of an existing residential property. The principle of the development is therefore acceptable, subject to the criteria identified below.

Visual Impact

The development would effectively convert the existing single storey bungalow into a two storey dwelling. It is noted that the proposed works would be visible from a number of public vantage points off the adjacent highway forming a visible feature in the street scene. However, despite the development having such a potentially significant impact upon the character and appearance of the existing property, it is considered that the proposed design of the roof and single storey extensions would positively contribute to the overall appearance of the existing dwelling. Furthermore, given the use of appropriate finishing materials, it is considered that the development would in fact enhance the current appearance of the existing building and will also ensure that the resulting structure is not overly prominent in the surrounding locality. Therefore, whilst it is acknowledged that the proposed works would form a considerable alteration to the existing dwelling, the development is considered to be acceptable in terms of its scale, massing, bulk, design and overall visual appearance.

Residential Amenity

It is noted that a number of objections have been received from surrounding residents in respect of the potential impact the development may have upon the amenity and privacy standards they currently enjoy. Given the nature of the works, it is acknowledged that there will inevitably be a degree of impact in this regard, however, it is not considered any potential impact would be significant enough to warrant refusal of the application.

The application property is sited at a considerably lower ground level than the immediate properties to the rear. As such, by increasing the height of the bungalow by only 1 metre, it is not considered that any undue overshadowing impact would arise. Further, whilst the increase in height would obviously increase the prominence of the property from the adjacent dwellings, again, raising the ridge height by only 1 metre, it is not considered the works would lead to significantly more overbearing impact in comparison to that which currently exists.

With regard to overlooking, whilst it is acknowledged that the 5 roof lights in the rear elevation would be sited in close proximity of the boundary with the dwellings to the rear, the applicants could insert similar windows into the current roof slope under their permitted development rights and therefore any potential impact from the roof lights proposed would not be considered significant enough to warrant refusal of the application. It also noted that a condition could be added to any consent requiring the roof lights to be of obscure glazing to minimise any potential impact.

Therefore, whilst it is acknowledged that there will be a degree of impact upon the amenity and privacy standards currently enjoyed by the adjacent properties, on balance, it is not considered the impacts would be significant enough to warrant a recommendation other than to approve the application. Consequently the application is considered acceptable in this regard.

Highway Safety

The Transportation Section has commented that it is not anticipated that vehicular traffic would increase by creating 2 additional bedrooms at the dwelling. Furthermore, given that 2 additional off-street parking spaces would be created within the plot, there would be no impact upon pedestrian or highway safety in the vicinity of the site, subject to a number of standard conditions detailed below. Consequently, the proposal is considered acceptable in this regard.

Other Issues

It is noted that an objector has raised concerns regarding a loss of views from their property, however, this is not a material planning consideration and cannot be taken into account whilst determining the application.

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

Whilst it is acknowledged that the proposal will inevitably form a considerable alteration to the original property and will also have a degree of impact upon the amenity of the adjacent dwellings, on balance, it is not considered that the impacts would be significant enough to warrant a recommendation other than to approve the application. Consequently the application is considered to comply with the relevant policies of the Local Development Plan.

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 plans ref: Location Plans 01, 02, 03 ,04 and documents received by the Local Planning Authority on 13/05/15, 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 external materials of the proposed works shall match as near as possible the materials of the original building.

Reason: To ensure that the works are in keeping with the existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking facilities for 3 vehicles, shall be laid out in accordance with the submitted plan 04 and approved by the Local Planning Authority.

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

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the extensions, hereby permitted, being brought into use, all roof light windows within the rear elevation shall be glazed with obscure glass details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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APPLICATION NO: 15/0715/10 (GW)
APPLICANT: Mr R Ryan
DEVELOPMENT: Erection of 2 domestic garages.
LOCATION: LAND REAR 67 CRAWSHAY STREET, YNYSYBWL,
PONTYPRIDD, CF37 3EG
DATE REGISTERED: 27/05/2015
ELECTORAL DIVISION: Ynysybwyl

RECOMMENDATION: Grant

REASONS:

The application site is located on allotment land outside but adjacent to the settlement boundary of Ynysybwyl, though development of this type in this location is supported by LDP Policy NSA 12. Some of the allotment land would be lost to the development, though the majority of it will remain useable for allotment gardening purposes, and there are similar developments on adjacent land. The size, scale and design of the proposed garages are acceptable and will not have a significant detrimental impact visually and upon the amenity, character and appearance of the area. Also, there is no objection from an access and highway safety perspective. The Allotment Group that owns the site has indicated it will not permit the development to be built on its land, but this is essentially a land ownership issue and seldom material to the consideration of a planning application.

APPLICATION DETAILS

Full planning permission is sought for the construction of 2no. domestic garages on allotment land to the rear of 67 Crawshay Street in Ynysybwyl. This application is identical to one previously submitted in 2014 (14/1526) and was withdrawn by the applicant, so that he could negotiate with the Allotment Group to get their permission for his proposal.

The garages would be sited between two existing single garages and directly accessed, over an existing ditch, via a rear lane. A concrete apron would be provided over the existing ditch and this is proposed to be culverted with a pipe.

The garages themselves are attached side by side and would have a mono-pitch roof. They would measure 9.2m in width, 6.7m in depth and with a maximum height of 2.7m. The garages elevations would be constructed with a 150mm brick plinth with the remaining being finished with a painted smooth render. The roof would be covered with a Goose wing grey coloured PVC profiled metal sheeting. Two steel roller shutter doors would be provided in the front elevation.

A concrete path would be provided to the side and rear with a pedestrian access gate adjacent the garage. A 40cm low retaining wall would be provided to retain the higher land of the allotment garden behind the garage.

The application is accompanied by the following:

- Design and Access Statement.
- A letter from the applicant (Mr Ryan) including minutes of Annual General Meeting of Crawshay Street Allotment Group dated 30th April 2015. This states, no decision was made on a discussion with regard garages. A copy of the rules is also included which states in relation to garages:

“In the event of....the erection of new garages, prior notice will be given to the Committee. No building which is subject to a rateable value, with the exception of garages, will be erected on the allotment site.”

SITE APPRAISAL

The application site comprises a rectangular parcel of land within a larger area of land used as allotments. It is located adjacent to the built up area of Ynysybwl and to the west of rear gardens of properties on Crawshay Street and is served by a rear lane type access. Further to the west is the open countryside.

A number of detached garages and outbuildings of varying size, scale and design are located in mainly along the lane. This includes a commercial car repair garage (Chris Jeffreys Motors).

Either side of the application site is a single garage with a mono-pitch roof. These are accessed over the ditch by a concrete apron.

PLANNING HISTORY

14/1526	Land to the rear of 67 Crawshay Street, Ynysybwl	2no. Domestic garages	Withdrawn 26/03/15
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PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Six objections have been received. This includes a petition signed by 8 local residents, an objection from the Crawshay Street Allotment Group (who own the site), one from a local Community Councillor and an objection from Ynysybwl & Coed-Y-Cwm Community Council. It is noted the petition is signed by two of the objectors who also submitted individual objections and state they are in the Allotment Group. The contents are summarised below:

- The development would result in flooding as the ditch is being concreted over. Water would run into the lane and to houses on Crawshay Street. This has

happened in the past and water has flooded some houses on Crawshay Street. Further flooding would result particularly if the pipe is blocked.

- Concerned the garage would not be used for domestic use. The applicant also lives a mile away from the site.
- The lane and drain bunds would be damaged by heavy lorries/cement/ concrete lorries.
- If lane is flooded and this freezes it would create a hazard to pedestrians.
- Concerned about width of the garage (Detailed in an objectors letter as being 50ft (15.24m). Members should note the plans however scale the width of the garages proposed as being just over 30ft (9.2m)).
- The Allotment Group detail at their AGM on 30th April 2015 that it was decided that no more garages be built on the group's land for the foreseeable future. A copy of an additional letter is included with the objection. This was written to the applicant dated 20th November 2014 and states the Committee would consider a single garage 10ft 6ins by 20ft in depth.

CONSULTATION

Countryside, Landscape and Ecology - the hedge to be removed would not be protected under Hedgerow Regulations (1997). It should only be removed outside the nesting bird season or after a methods statement/check for nesting birds has been made. A bat informative would be required.

Land Reclamation and Engineering – no objection subject to Open Water Course Consent, full drainage details and a Hydrological Impact Assessment.

In principle culverting for access is in accordance with our policy.

If a culvert is blocked, clearance would be subject to the riparian roles and responsibilities of the land owner. Notice could be served under the Land Drainage Act 1991 to unblock the culvert (Detailed in previous application 14/1526).

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

Transportation Section – no objection subject to conditions requiring the garage is only used for domestic purposes and the submission of design details of the culverting of the water course and tie in with rear lane. Advice is given that Open Water Course Consent is required for culverting the water course.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside, but adjacent the settlement boundary. It is within an area of Sandstone resources (Policy AW14) and within a Strategic Landscape Area (Policy NSA25).

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

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

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

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

Policy AW7 – sets out criteria for the protection of allotments. The supporting evidence highlights the importance of allotments owned by Rhondda Cynon Taf County Borough Council.

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

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity from pollution, land instability, contamination and/or flooding.

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction.

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

Policy NSA25.4 - Identifies site as being within the Cwm Clydach Special Landscape Area. Its character is identified as mainly being extensive areas of pre-industrial farmland patterns and wooded valley sides. Development within the defined Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

Supplementary Planning Guidance

- Access, Circulation & Parking
- Design and Placemaking
- Nature Conservation

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.

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and

Improving Natural Heritage and the Coast), Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;
- 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.

An objection has been received from the Crawshay Street Allotment Group who detail that they own the land. A dispute between them and the applicant seems to have arisen over what they consider would or wouldn't be allowed at their site. Members are advised that there are existing garages on the allotment including one either side of the applicant's plot. Notwithstanding this, the Allotment Group have stated that at this year's Annual General Meeting in April their rules were changed so that no garages would be allowed in the foreseeable future. As detailed above in the 'Application Details' section; the applicant has provided evidence that contradicts this statement. In addition, a letter to the applicant from the Allotment Group from November 2014 seemingly indicates they would consider a single garage acceptable.

Members are advised whilst the Allotment Group might potentially be restricting construction on the allotment; it is considered there is potential that this could change within the five year time period of a planning permission. Members will therefore appreciate; whilst it is ultimately the owners of the land who would decide whether the proposed garage would be built, it is considered that ownership issues does not provide reasonable justification for the deferral or refusal of planning applications, and it is outside the scope of the planning application process to settle such disputes.

In policy terms the site is located outside the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. However, it is adjacent to the settlement boundary and Members will be aware that Policy NSA12 allows some development and the garage is proposed to be used for domestic storage.

The development would however result in the loss of some allotment land, which national guidance and Policy AW7 of the Local Development Plan aims to protect. However, this is a private allotment and does not have any statutory status. The supporting statement to Policy AW7 also highlights this type of land on the fringes of the settlement and used as allotments can also be considered as important for leisure and sustainable development in terms of people growing their own food and the health benefits of working an allotment. Members will note, however, the majority of the allotment plot would be retained behind the garages and would still be useable. Furthermore there are also similar garage structures on neighbouring allotment plots that have been constructed in the past. Taking this into account, it is considered the development would not have a significant detrimental impact on the openness of the site, on the long term use of the remaining part of the allotment or on sustainable development. As such, it is considered, the loss of the small amount of allotment land would not on its own warrant a refusal reason.

Objectors point to the applicant not living on Crawshay Street, however they do identify he has family members living on the street. It is considered this issue should not carry significant weight in the determination of the application. A further objection has been raised with regard the garages being used for business use. The application however details they would be for domestic use and as such a suitably worded condition restricting the garages to this is recommended.

Finally the site is an area of Sandstone resources and Policy AW14 of the LDP protects such mineral resources. The size of the site is considered insignificant in terms of overall resources and it is also close to residential properties and its use for mining would as a result be unlikely. As such in this instance it is not considered the issue would warrant a refusal reason.

Therefore, taking into account the above, the development would in principle be acceptable subject to other material planning considerations which are assessed below.

Impact on the character and appearance of the area

The site is located in a Strategic Landscape Area (SLA) which is generally noted for its qualities as pre-industrial farmland and wooded valley sides. Notwithstanding this, the immediate area of the allotment area and land bordering the rear lane is partially developed. As such it has little resemblance to the character the SLA designation is trying to protect.

The size and scale of the development is acceptable and would relate to the height of adjacent garages. Although it is wider than these and would result in the loss of

some hedgerow bordering the lane this would not be a significant enough issue on its own to warrant a refusal reason in visual terms.

As such, it is considered the development would not result in detrimental impact to the visual character of the area.

Access and highway safety

The site is accessible from a rear service lane serving Crawshay Street and the allotments. No objection has been raised by the Transportation Section and as such it is considered the application would be acceptable in these terms.

Drainage and flooding

Objectors have detailed the area is prone to flooding and culverting the watercourse to the front of the garage would exacerbate this. No objections have been raised by the Council's Drainage Section subject to conditions requiring details of surface water drainage. Members are advised it is envisaged that, notwithstanding the submitted plans, access to the culverted water course should be maintained to enable maintenance and clearing of it. A grille or similar system could achieve this and would also act as an intercept to prevent surface water draining on to the lane from the associated development surrounding the garage. It is considered details of an acceptable drainage system can be obtained by a suitably worded condition if permission is granted.

Impact on ecology

The development would result in the loss of some hedgerow bordering the lane. The Council's Ecologist details the hedge would not be protected under the Hedgerow Regulations and does not object. A condition requiring nesting birds are taken into account prior to its removal is suggested and a bat informative would also be required if permission were to be granted.

Impact on residential amenity and privacy

The garages would be of sufficient distance from other dwellings so as not to have a significant impact on the amenity of the occupiers. They would also be served from a rear lane where there are similar existing garages. Therefore, it is considered the development would not have a significant detrimental impact on the amenity of surrounding residents.

Other Issues

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

Public Health

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

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 character and appearance of the area, drainage and flooding, access and highway safety, the impact on ecology and the impact on residential amenity (Policies AW2, AW5, AW6, AW7, AW8, AW10, NSA12, NSA 25).

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 no 67:CS:02. – Scheme as Proposed received on 20th January 2015 and documents received by the Local Planning Authority on 20th January 2015th, 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. Notwithstanding the submitted plans no development shall take place until details of surface water drainage, including a Hydrological Impact Assessment, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first beneficial occupation of any of the garages hereby approved.

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. Development shall not commence until design and details of the culverting of the watercourse including tie in with rear lane have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the means of access has been constructed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy AW5

of the Rhondda Cynon Taf Local Development Plan.

5. No hedgerow shall be removed within the nesting bird season (March 1st to August 1st) or in accordance with an acceptable method statement and check for nesting birds; details of which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To afford protection to nesting birds in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan

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

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

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APPLICATION NO: 15/0731/10 (KL)
APPLICANT: Mrs E Davies
DEVELOPMENT: Single storey rear kitchen/w.c. extension with flat roof.
LOCATION: 44 JAMES STREET, MAERDY, FERNDAL, CF43 4DT
DATE REGISTERED: 01/06/2015
ELECTORAL DIVISION: Maerdy

RECOMMENDATION: Approve

REASONS:

The application is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single storey extension on the west facing rear elevation of 44 James Street, Maerdy. The proposed extension would measure a maximum of 4.65 metres in width by a maximum of 5.3 metres in depth and would incorporate a flat roof design measuring 2.7 metres in height from ground level. All materials proposed would match the existing property.

The application is reported to the Development Control Committee due to the applicant being closely related (Mother) to a member of staff within the Development Control team.

SITE APPRAISAL

The application site is located within a residential area of Maerdy and consists of a two-storey, mid-terraced dwelling which has been externally finished with render, concrete roof tiles and white uPVC windows and doors. The property directly fronts the footway at James Street to the east with an enclosed linear garden extending approximately 17 metres to the rear access lane to the west. There is an existing single storey extension and small garden shed to the rear elevation, however, these would both be demolished to accommodate the proposed works.

Adjoining properties to the north and south are of a similar scale and design to the application property, each having a similar arrangement in terms of the garden layout. Ground levels in the area rise from east to west so that the rear gardens are at a higher ground level to the rear elevations with ground levels between properties being comparatively level. A number of properties along the row have already been extended at the rear with both adjoining properties (no's 43 & 45) having full-width, single storey extensions.

It should be noted that the application site is located within the boundary of the Rhondda Historic Landscape. No other constraint needs to be considered.

PLANNING HISTORY

No previous planning applications have been submitted at the application site in the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification. No letters of objection or representation have been received.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the settlement boundary for Maerdy and is not allocated for any specific purpose.

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

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

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the extension of an existing residential dwelling and the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The proposed extension is considered to be acceptable in terms of its siting, scale, design and overall visual appearance. This view is taken for the following reasons;

Firstly, the proposed extension would be sited to the rear of the property and would not impact on the principal elevation or the wider street scene. The rear of the property is set much lower than the lane to the rear and is well sheltered and screened from public viewpoints by existing boundary treatments at the site. The extension would therefore not have a significant visual impact on the surrounding area. Secondly, it would be of a minimal scale and massing, measuring a maximum of 4.65 metres in width by a maximum of 5.3 metres in depth with a height of 2.7

metres. Given these dimensions, the proposed extension would be a sympathetic and subservient addition to the property. Thirdly, the external finish and materials proposed would match those of the existing property and other single storey extensions in the area. Finally, there are various extensions visible in the surrounding area, including single storey extensions at the rear of both adjoining properties. The proposal would therefore not appear to be an incongruous addition to the property or the wider area.

With regard to the above, the proposed extension is considered to be acceptable in terms of the impact it would have on the character and appearance of the existing property and the wider historic landscape. It would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed extension is not considered to have a significant overshadowing, overbearing or overlooking impact on the nearest neighbouring properties for the following reasons;

Firstly, the proposed extension would be of a minor scale and massing and, whilst it is acknowledged that it would project 2 metres further than the single storey extensions at the rear of adjoining properties, it would be of a limited height at 2.7 metres from ground level. Secondly, it would incorporate a sympathetic design which would adequately reduce any potential impact on adjoining neighbours to an acceptable level. Finally, the extension would be single storey with any views into the rear gardens of adjoining properties being limited by existing boundary treatments at the site. It should also be noted that the application property forms part of a terraced row in which a degree of mutual overlooking has already been established.

In addition to the above, no letters of objection or representation have been received from the occupants of surrounding properties following the consultation process and, given the considerations outlined above, the proposed extension is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of surrounding properties. It would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Community Infrastructure Levy 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

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding

neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan Drawing No. ED01A and documents received by the Local Planning Authority on 1 June 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.

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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

6 AUGUST 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File