

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
5 NOVEMBER 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

Agenda Item No. 8

**APPLICATION NO. 15/0581 OUTLINE
PLANNING FOR 1 NO DETACHED
BUNGALOW AND 16 NO SEMI
DETACHED BUNGALOWS (8 NO.
PAIRS), OFF ROAD PARKING AND
ASSOCIATED ACCESS WORKS AT
THE FORMER CWMBACH INFANTS
SCHOOL, BRIDGE ROAD,
CWMBACH, ABERDARE.**

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

That the application be approved subject to the conditions recommended in the original report and the additional condition included in the report to Members on 20 August 2015.

3. BACKGROUND

This planning application was originally reported for the consideration of Members at the meeting of the Development Control Committee held on the 16th July 2015 (report attached as **APPENDIX A**). At that meeting Members resolved to defer determination of the application to allow a site visit to take place prior to determination, (minute no.28 (2) refers). The site meeting subsequently took place on 31st July 2015 where amongst other things; Members were informed of the late letter placing a holding objection to the application from Dwr Cymru/Welsh Water. The matter was next reported back to the meeting of the Development Control Committee held on 20th August 2015 (copy of report attached as **APPENDIX B**). where Members accepted a recommendation to consider the inclusion a further condition requiring the incorporation of a further condition requiring the agreement of a construction management plan in any future consent that might be issued and that the application be otherwise further deferred pending the outcome of discussions between officers and representatives of Dwr Cymru/Welsh Water in respect of their holding objection to the

application (minute no.54 refers). (The original report to Members of 16th July and subsequent report of 20th August 2015 form appendices A & B to this report).

Following the series of meeting and exchange of information with Dwr Cymru/Welsh Water relating to issues of network capacity and capacity within the receiving treatment plant, they now advise that they are lifting their holding objection to this proposal. As such Members are advised that there is no longer any bar to the determination of the application and that approval subject to all previously agreed conditions is recommended.

APPENDIX A

APPLICATION NO: 15/0581/13 (GD)
APPLICANT: Mr A Green
DEVELOPMENT: Outline planning for 1 no. detached bungalow and 16 no. semi-detached bungalows (8 no. pairs), off road parking, access road and associated works
LOCATION: FORMER CWMBACH INFANTS SCHOOL, BRIDGE ROAD, CWMBACH, ABERDARE, CF44 0LS
DATE REGISTERED: 04/06/2015
ELECTORAL DIVISION: Cwmbach

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

REASONS:

The principle of the proposed development is considered acceptable in terms of planning policy and all other material considerations favour the redevelopment of the site for residential purposes.

APPLICATION DETAILS

This planning application seeks outline planning permission for the redevelopment of the former infant's school site at Bridge Road Cwmbach for the residential development of a total of 17 bungalows. Though expressed as an outline application the submission is accompanied by an illustrative layout that indicates how such an arrangement might be achieved within the site with relatively modest bungalows being delivered in handed semi detached pairs for the most part with a revised arrangement at the Bridge road access point and a detached unit sitting to the rear of Greenhill House and Greenhill Cottages.

The application is accompanied by the following:

- Design and Access Statement.
- A Bat Activity Survey
- A Tree Survey.
- A Structural Survey of the Existing Buildings
- A Mining Report

SITE APPRAISAL

The application site comprises approximately 0.76 hectare of land in total within an irregularly shaped boundary for the most part the land is relatively flat though it does fall on part of its south western and north western boundaries, steeply so in the case of the latter. The site remains occupied by the original school buildings which are themselves of varying age and design.

The Bridge Road frontage is dominated by the large stone built traditional Victorian school with the more recent brick and render single storey unit set further back to the rear of numbers 6 – 20 Bridge Road. Being a former school the site benefits from long established and clearly defined boundaries mostly in stone but elsewhere in traditional metal railings. The yard areas of the school appear to be entirely tarmac though the remnants of a school garden occupy a small part of the site.

The wider area is entirely residential in character comprising a mixture of house types of varying size appearance and age/ immediately beyond the north western boundary of the site is a heavily wooded area that forms part of a larger area of public open space that is widely used by local people for recreational purposes.

PLANNING HISTORY

There is no planning history associated with the site

PUBLICITY

The current proposal has been advertised by means of press notice, site notices and neighbour notification letters. This has resulted in the submission of one email opposing the development on the following grounds:–

- The proposal is opposed on the basis of the amount of on street parking that currently affects Bridge Road that this proposal would add to.
- It is queried if Bridge Road is to become a one way system to better accommodate the proposed development.
- Concern is also expressed at the possibility of heavy plant and machinery using Bridge Road through the construction process should the proposal gain consent.

CONSULTATION

Highways – no objections subject to conditions.

Drainage – no objection subject to conditions.

Public Health & Protection – no objections subject to conditions.

Education – no objections.

Housing Strategy - based on the findings of the Local Housing Market Assessment, two of the 2 bedroom bungalows on site should be made available for sale as Low Cost Home Ownership to Council nominated first time buyers from the Homestep Register.

The developer's contribution should equate to 30% of the open market value for each unit; i.e. the nominated purchaser should pay no more than 70% of the open market value per unit.

Dwr Cymru Welsh Water – no response received.

Western Power Distribution – no response received within the statutory consultation period

Wales & West Utilities – raise no objection to the proposals and provide detailed advice in respect of the location of their apparatus within the application site and safe working practices to be adopted when working in the vicinity of it.

Countryside Section – raise no objection to the proposals and advise that the inclusion of a bat advisory note in any planning consent issued would be appropriate.

Coal Authority – following the submission of a mining report no objection is raised subject to any consent issued containing appropriate conditions to obviate any risk to development from earlier workings.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS5 – Sets a target for the delivery of affordable housing across the County Borough.

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

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

Policy AW4 – sets out what will be required from new residential development in terms of planning obligations.

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 – Sets a requirement for a housing density at a minimum of 30 dwellings per hectare in the northern strategy area unless site specific issues or material circumstances dictate otherwise.

Policy NSA11 –Sets a requirement for the provision of 10% affordable housing in the Northern Strategy Area.

Policy NSA12 – Sets criteria for the consideration of housing proposals within settlement limits in 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 3 (Making and Enforcing Planning Decisions),
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 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:

The key issue in the consideration of this planning application will be the acceptability in principle of what is currently being proposed. Also of significance are access and highway considerations, the impact of the proposals on local residential amenity and privacy and the impact of the proposals on the character and amenity of the area.

Principle of the proposed development

In planning policy terms the proposed development would represent the regeneration of an abandoned site at a location that is squarely within settlement limits for a proposed use that sits comfortably with surrounding uses as residential development in a residential area. The weight of planning policy therefore offers relatively unequivocal support of this proposed development, particularly as none of the statutory consultees have raised any technical objection that could be tied to policy.

Access and highway safety

The illustrative detail submitted in support of the current proposal clearly demonstrated that an access into the site can be developed to currently required highway standards subject to a slight realignment that would enable the provision of a 2.4m x 40m vision splay which can be required through an appropriate planning condition. Within the site the illustrative layout indicates that a suitable road arrangement can be provided and all of the properties would have an appropriate level of off street parking provision. The transportation section also point out that a traffic regulation order will be required to remove the school zig zag lines from the highway along with a condition survey so that any damage to the road as a result of the proposed development is taken care of at the developers expense. This adequately addresses the concerns expressed by the objector to the development-

Impact on the character and appearance of the area

As an outline planning application the final design is not fixed at this point. However, the wider locality is not characterized by any one design type or style and contains a number of houses and bungalows of various ages and the current proposals should they proceed would supplement the existing mix. Members should note that the type of bungalow shown in the illustrative detail is not dissimilar to others in Cwmbach found at Fairfield Close or in areas of the Pant Farm Estate such as Llangorse Road or Coniston Rise.

Impact on residential amenity and privacy

The impact of the proposed development on residential amenity and privacy is difficult to quantify with all detailed matters reserved for future consideration. The illustrative layout that accompanies the current proposal does though illustrate that the site could be developed for the number and type of dwellings proposed without any adverse impact on amenity or privacy of established homes, proving to some extent the potential of the site to accommodate the specific nature of the planning application.

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

In this instance the applicant will be required to enter into an agreement requiring the following –

- Two of the proposed 17 bungalows being made available for low cost home ownership.
- The applicant meeting the Council's reasonable legal fees in preparing the Section 106 agreement.

The Community Infrastructure Levy (CIL)

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the redevelopment of abandoned sites that lie within settlement limits for housing. Further, the illustrative detail accompanying the submission offers an element of design testing that shows that the site is capable of accommodating the number and type of dwellings proposed. Consequently, support is offered for the proposed development as recommended below.

RECOMMENDATION: Grant

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

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

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

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. Before the submission of the application for the approval of reserved matters, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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

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

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

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

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

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

7. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x 40m vision splays.

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

8. No obstruction or planting when mature exceeding 0.9m height shall be placed within the required vision splay areas.

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

9. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the works required to Bridge Road and the internal road's layout 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.

10. HGV's used as part of the development shall be restricted to 09:00hrs to 16:00 hrs on weekdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

11. No works shall commence on site until details and design calculations of any 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 the beneficial occupation of any dwelling hereby approved.

Reason: In the interests of highway safety.

12. Prior to the commencement of development, a report indicating a methodology for undertaking a condition survey of Bridge road in the vicinity of the proposed site access affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include the timescales for undertaking the surveys and the methods of reporting the findings to the Local Planning Authority; comprehensive photographs, and potential compensation arrangements. The development shall not be brought into beneficial use until the final survey on completion of the development hereby approved and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety.

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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

5 NOVEMBER 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO. 15/0581
OUTLINE PLANNING FOR 1 NO
DETACHED BUNGALOW AND 16
NO SEMI DETACHED
BUNGALOWS (8 NO. PAIRS), OFF
ROAD PARKING AND
ASSOCIATED ACCESS WORKS
AT THE FORMER CWMBACH
INFANTS SCHOOL, BRIDGE
ROAD, CWMBACH, ABERDARE.**

OFFICER TO CONTACT

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See Relevant Application File