

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

DEVELOPMENT CONTROL COMMITTEE 17 DECEMBER 2015	CONTROL		Agenda Item No4
		APPLICATIONS FOR APPROVAL	RECOMMENDED
REPORT OF: SERVICE DIRECTOR PLANNING			

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No: 15/0554 - Variation of Condition 1(c) of permission 10/0309/15 to extend the period for the submission of reserved matters for a further 3 years, Land at River Level Tips, Abernant, Aberdare
2. Application No: 15/1057 - Erection Of Two Residential Blocks Comprising Eight Affordable Apartments, Car Parking, Landscaping And Associated Works, Land At Forge Lane, Pentre
3. Application No: 15/1070 - Conversion Of 4 Bedroom Flat Into Two Self Contained Two Bedroom Flats, Tylorstown Newsagents, 249 East Road, Tylorstown, Ferndale
4. Application No: 15/1165 - Single storey building to accommodate site security office associated with a recently completed innovation centre adjacent. (Amended plan received 17/09/15) (Amended Location Address - 29/09/15), Land Adjacent To Ely Valley Business Park, Llantrisant, Pontyclun
5. Application No: 15/1222 – Single storey extension, The Cambrian Cafe Bar, Cambrian Industrial Estate, Blaenclydach

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 15/0554/15 (GD)
APPLICANT: Mr S Short
DEVELOPMENT: Variation of Condition 1(c) of permission 10/0309/15 to extend the period for the submission of reserved matters for a further 3 years.
LOCATION: LAND AT RIVER LEVEL TIPS, ABERNANT, ABERDARE.
DATE REGISTERED: 16/10/2015
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development remains acceptable as the proposals continue to comply with policy requirements and there are no other material circumstances which would be considered to justify an alternative decision.

APPLICATION DETAILS

This is an application under Section 73 of the Town & Country Planning Act 1990 seeking variation of condition 1 of outline planning permission 05/0134 (as previously varied by planning applications 08/1193 and 10/0309) to allow additional time for the submission of reserved matters and commencement of development. It is requested that an additional three years be granted for the submission of reserved matters and five years for commencement, from the date of approval of this planning application. This would lead to reserved matters being submitted up to 12 years and development commencing within 14 years respectively, from the grant of the original outline planning approval.

The application is accompanied by a site location plan earlier applications have also included illustrative layouts which indicate 61 dwellings on the application site, a plan illustrated the intended phases for development, and means of access from Abernant Road previously approved in reserved matter application Ref: 08/0507.

The applicants have reconfigured that the maximum and minimum dimensions for the development will remain as follows:

	Minimum	Maximum
Depth	5m	15m
Width	5m	20m
Height	5.5m	10.5m

They also indicate that housing will be mixed and generally not exceeding 2.5 storeys as currently built on Richmond Gardens.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site comprises of some 5.4 hectares of land located on the northern side of Abernant Road, Abernant. The site was formerly the river level tip area of Abernant Colliery and was subject to a land reclamation/tip removal scheme some years ago. Following the grant of outline planning approval, the semi-rural character and vegetation cover on the site has diminished. The topography of the site is that it rises in a broadly north-easterly direction with the valley slope. Much of the site is below the road level of Abernant Road.

The construction of a group of seven dwellings approved under full planning applications Ref: 08/0305 and 09/0721 is well advanced. Site clearance appears to have occurred on the majority of the remaining site area. The western boundary of the site adjoins an area subject to a Tree Preservation Order.

PLANNING HISTORY

10/0309	Variation of condition 1b of outline permission 05/0134 (for residential development) (as varied by 08/1193) to extend period for submission or reserved matters and to allow phased implementation of development.	Approved 15 th February 2012
09/0721	Dwelling (Full application) (Replacement house type on plot 2 to that approved in ref 08/0305)	Approved 21 st January 2010
08/1193	Variation of condition 1 on outline application Ref 05/0134 to extend period of time for submission of reserved matters and commencement of development	Approved 13 th October 2008
08/0507	New access (Reserved matters)	Approved 23 rd June 2008
08/0305	Seven dwellings (Full application)	Approved 27 th May 2008
05/0134	Residential Development (Outline application)	Approved 18 th October 2006

PUBLICITY

The current application has been advertised by means of site notices and neighbour notification letters and this has generated the submission of two letters expressing the following concerns in respect of the proposed development.

- The fact that the developers are again seeking an extension of time on the outline planning permission in the view of one resident indicates that there is no

justification for the development which was originally approved by Members against officer recommendation.

- A large amount of material has recently been deposited on site which is an eyesore that the Council should take action over.
- In the opinion of one resident the location of the proposed access will increase the risk of accidents on the Richmond Terrace bend.
- The access to the site will lead to the removal of a number of mature oak trees and should the development be allowed the developers should be made to provide suitable semi mature replacement oaks.
- One resident has written at length with regard to the mining and geological history of the site, the need to properly investigate those conditions and associated risks and subsequently design any solution appropriately given the risks that such areas present, and relevant government and other agency advice to be taken into account. The resident also advises that he also works in the mining industry and has sought the advice of a geotechnical specialist with considerable experience in the field and neither of them can understand why consent was initially granted

CONSULTATION

Highways – No highway related objection is raised subject to the re-imposition of previous conditions

Drainage – Have no comment to make from a flood risk perspective.

Public Health & Protection – No objections.

Natural Resources Wales – No objections.

The Coal Authority – have no comment to make in respect of the current application.

Dwr Cymru Welsh Water – Initially placed a holding objection in respect of the application but have since lifted that objection and now have no objection to the application proceeding subject to conditions.

Western Power Distribution – No response received

Wales & West Utilities – No response received

South Wales Fire & Rescue Service – No response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving building strong sustainable communities

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 (amongst other things) contamination, water pollution and land instability

Policy NSA10 – requires a minimum housing density of 30 dwellings per hectare unless circumstances dictate otherwise.

Policy NSA11 – requires the provision of 10% affordable housing.

Policy NSA12 – sets criteria for the consideration of residential 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 5 (Conserving and Improving Natural Heritage and the Coast),
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;
PPW Technical Advice Note 23 Economic Development.
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.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition, it can: -

- (a) Grant consent either with or without conditions; or,
- (b) Refuse.

In this instance the applicant is seeking consent to extend the time allowed for the submission of detailed design under reserved matters, (condition 1(c) of consent 10/0309 refers).

Main Issues:

Principle of the proposed development

There is a suggestion from one local resident that the principle of the proposed development should be revisited given the length of time that has elapsed since outline planning permission was first granted.

Though Section 73 of the Act allows for the refusal of the application it does not extend to revisiting the principle of development itself as Members are only being asked to consider the issue of any particular condition. Where the condition in question is a time condition and the variation of condition would allow a permission to be implemented that otherwise could not be then the Local Planning Authority can have regard to whether or not the material planning circumstances have changed either in favour or against the development. If any changes are sufficiently adverse so as to make the development no longer acceptable then the variation of condition could be refused and if the material considerations are unaltered or have altered in a manner that favours the development moving forward then the application should be allowed.

Planning Policy

Though the last variation of condition consent in respect of this site was issued in 2012 the matter was originally presented to Committee in June 2010, the delay in issuing the consent being accounted for by the requirement to renegotiate the Section 106 agreement. Therefore since Members last considered the issue there has been a change in material circumstance through the adoption of the Local Development Plan which at the time of the earlier application was only at the draft stage, and it is appropriate to consider the changes that has in policy terms on the proposals currently before Members. Policy continues to support the development of sustainably located sites within defined settlement limits and this fact falls in favour of the proposed development. Furthermore the need to maintain a five year supply of land for housing also favours the continuation of this particular planning consent. Whilst policy places requirements on developers in respect of such issues as land stability, contamination and flooding there is no evidence currently available to suggest that these matters cannot be adequately dealt with through the judicious application of planning conditions.

Impact on the character and appearance of the area

The impact of the proposal on the character and appearance of the area has been assessed in the earlier consents on this site and there has been no substantive change in circumstances that could lead to a conclusion other than the impacts such as they are, remain acceptable. One resident has complained that the access to the site would lead to the loss of boundary oak trees however, this issue was fully considered when the detailed proposals for access were considered and it was concluded at that time that this could be appropriately compensated for by replacement landscaping with regard to this issue.

Impact on residential amenity and privacy

The planning history of this site and the nature of the original planning consent is that it would comfortably accommodate the remaining 61 dwellings to be built at a relatively low density with full regard to amenity of the surrounding neighborhood and the levels of privacy that neighbours currently enjoy. Successive consents have confirmed that this situation is acceptable and there has been no material change in circumstances since the last consent was granted.

Access and highway safety

Members should first note that the Transportation Section continue to hold no objection to the proposed development subject to the imposition of the same planning conditions as have been applied to earlier consents. Notwithstanding the concerns expressed by one local residents Members should also note from the planning history that details of the proposed means of access to the development have also been agreed in detail and have been found to be completely acceptable in terms of design safety, (not least because the access point lies on the outside of a bend which affords good visibility in both directions and the approved details also involve considerable road widening to accommodate on street parking)

Ground conditions

The issues around ground conditions have previously been adequately addressed through the use of planning conditions. However, in a change made since the last grant of planning permission, the provision of a coal mining risk assessment is now a statutory validation requirement. In this instance the applicants have provided the required risk assessment and this reinforces the stance previously adopted of allowing the planning permission subject to conditions that the issue is properly addressed in and through the course of development

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.

As an application that effectively seeks to establish additional time for the submission of reserved matters with all issues of detail reserved for future consideration (other than the details of access which have been previously approved) it is not appropriate to consider matters that relate to the character and

appearance of the area or the impact of the proposals on the amenity of the area other than in the broadest of terms as addressed above. Suffice to say in this instance that the previously supplied illustrative layout plan clearly demonstrated that the site could be developed in an acceptable manner where all impacts on these issues have been demonstrated to be manageable.

Issues relating to the creation of the new access in terms of safety, loss of trees and replanting were dealt with under application 08/0507 and do not need to be revisited in the context of the current proposal.

One resident complains that the site has been subject of some fly tipping. In fact this is hardcore which has been introduced on to the site with a view to engaging in the initial engineering of the access to the site.

One resident implies that the fact that the applicants are again applying for an extension of time indicates that there is no justification for the proposed development. However, within the terms of Town and Country Planning legislation the approach adopted is legitimate and allowed for and the actions of the applicant require no further justification than that (see also above comments on the principle of development).

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 application has been subject to a section 106 agreement that the site should be built out subject to the following requirements and this will need to be updated to reflect the renewal of permission

- The developer entering into a highway agreement prior to the commencement of works.
- The developer paying a highway works payment of £17,942
- The developer agreeing to build no more than 61 dwellings
- 25% of the dwellings being wheelchair accessible.
- The developer making a recreational facilities payment of £26,912
- The developer making an educational contribution of £125,589

However in light of changes to the building regulations since the first draft the need for wheelchair accessibility requirements has been superseded and this no longer needs to form part of the agreement.

Additionally since this planning permission was last reviewed the Council has introduced supplementary planning guidance on Employment and Skills and the development being one which would exceed the provision of 25 no. dwellings would be required to meet its requirements. As such Members are advised that the requirements are to provide an Employment and Training Plan to improve skills and learning in the local workforce should be added to the requirements of a revised Section 106 Agreement.

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 residential development which is seeking additional time for the submission of details and subsequent implementation. The key areas of consideration in terms of this planning application, as outlined above favour and support the extension of time sought and as such support for the proposal is offered.

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the buildings, 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 access, and particulars of the reserved matters referred to in (a) above relating to the access, siting, design and external appearance of any building to be erected 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 five 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 Section 92 and 93 of the Town and Country Planning Act 1990.

2. Notwithstanding the submitted details, the consent hereby granted does not relate to the indicative site layout in Drawing No. 1142-SL-02D or phasing illustrated in the plan titled 'Development phases: Location and junctions' (Drawing No. ARL/HI/08/700).

Reason: To define the extent of the consent hereby granted.

3. No development shall commence until a plan illustrating the intended phasing of development covering the entire site area and including areas intended for landscaping between groups of housing in different phases, shall be submitted to and agreed in writing with the Local Planning Authority. The site shall be developed in accordance with this plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: These details are not included in the application and are required to ensure that the entire site will be developed in a comprehensive manner.

4. No dwelling in any phase shall be occupied, until the intended means of access off Abernant Road and associated drainage infrastructure has been constructed/implemented .

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

5. No dwelling hereby approved shall be occupied until a Travel Plan, has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include proposals for physical works including details of footpaths, footways, cycleways, bus lay-bys, shelters and signage, which shall be incorporated into the details of the overall proposal, in addition to details of the timing of this provision in relation to each phase of the development. Provisions within the Travel Plan shall be implemented in accordance with the agreed plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory provision for alternative travel modes to/from the proposed development site in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence on any phase of the development until details of the proposed levels of the ground floor and driveways of

dwellings, in addition to access roads, in relation to the existing ground level and the finished level within that phase, shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on that phase and implemented in accordance with this consent.

Reason: These details are not included within the application and are required to ensure that the approved scheme will accord with the surrounding development.

7. No development shall commence until a scheme for boundary walls and fencing has been submitted to and approved by the Local Planning Authority; the approved scheme shall be implemented prior to the first occupation of any approved dwelling within that phase.

Reason: To ensure that new development will be in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place within each phase, until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with the measures for their protection in the course of development.

Reason: To ensure that 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.

9. All planting, seeding or turfing in the approved details of landscaping within each phase shall be carried out in the first planting and seeding seasons following the occupation of the buildings within that phase or 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 within that phase that 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.

10. No development shall be commenced within each phase until full engineering design and details of the internal road layouts, with sections, street lighting, surface water drainage, culverts, structures fencing, footways, vision splays, safety barriers, etc. have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineering details prior to the first occupation of any dwelling within that phase.

Reason: In the interests of highway safety in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. No beneficial occupation of any dwelling within each phase shall be permitted until space has been laid out for vehicles to park within the site area of this phase of development, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure satisfactory parking arrangements and in the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. No works whatsoever shall commence within each phase, until design calculations duly certified by a professional engineer and constructional details of any retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. Any retaining wall abutting the highway shall be constructed to the approved details prior to any dwelling within this phase being brought into beneficial use.

Reason: For the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Facilities for wheel-cleansing shall be provided before construction works commence on any phase of development, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: For the safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall commence within any phase of development, until a scheme and method statement detailing the construction access locations, haulage routes, location of site compounds, parking, timescales, signage, and the management of vehicular and pedestrian traffic for each phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme and method statement shall be implemented in accordance with the agreed details.

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.

15. No development shall commence within any phase of development, until a scheme for the comprehensive and integrated drainage of the phase area showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority. Drainage works shall be completed in accordance with the agreed scheme, prior to the beneficial occupation of any dwelling within that phase.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the

environment or the existing public sewerage system in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall commence within any phase of development, until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed.

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. Prior to the submission of reserved matters on any part of the application site, further survey work and assessment shall be undertaken with regard to the presence of breeding birds, badgers, bats, reptiles, glow worms and fungi as recommended by the ecological survey conducted by Hyder Consulting and dated September 2004 submitted in relation to planning application Ref: 05/0134. Such reports as are prepared in respect of these matters shall include a relevant mitigation strategy where appropriate.

Reason: In the interests of biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

18. 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, herby 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.

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APPLICATION NO:	15/1057/10	(JAW)
APPLICANT:	RCT Homes	
DEVELOPMENT:	Erection of two residential blocks comprising eight affordable apartments, car parking, landscaping and associated works.	
LOCATION:	LAND AT FORGE LANE, PENTRE, CF41 7AE	
DATE REGISTERED:	29/10/2015	
ELECTORAL DIVISION:	Pentre	

RECOMMENDATION: APPROVE

REASONS:

The principle of the proposed development is considered acceptable.

The proposal is in keeping with policies AW1, AW2, AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the residential amenity of surrounding properties as well as highway safety and parking.

APPLICATION DETAILS

Full planning permission is sought for the erection of two residential blocks comprising eight affordable 1 bed- apartments on land at Forge Lane, Pentre.

The proposed buildings will measure 10.3m wide by 12.2m deep. The buildings will be 8.8m high to their ridge. Each building will accommodate four one-bedroom apartments two on each floor, with each apartment having its own access. The first floor apartments (both buildings) will be accessed from the front of the building. The ground floor apartments (both buildings) will be accessed one from the northern and one from the southern side elevation.

The proposal is to provide 5 parking spaces, a cycle parking area and bin storage areas within the site curtilage. A retaining wall is proposed along the rear of the site which will be approximately 3.3m high:

- The application is accompanied by the following:
- Design and Access Statement
- A Preliminary Ecological Appraisal
- A Desktop Coal Mining Risk Assessment
- Ground Investigation Report
- A Tree Survey

SITE APPRAISAL

The application site comprises vacant land located to the western side of Forge Lane. The site is flat and open, albeit a steep bank occupies the western boundary at its rear. The immediate surrounding area is characterised by modern detached and semi-detached houses opposite the site in Forge Lane; otherwise neighbouring development is generally more traditional two-storey housing.

To the rear of the site and located at a higher level is Pentre Park. Immediately above the site is a grass verge that has six cherry trees, beyond which is the access to the Parks Depot for the Rhondda.

Vehicular access is via a one-way system via Forge Street onto Forge Lane.

PLANNING HISTORY

10/0885 – Construction of 4 semi-detached houses – Approved 23/11/10

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. A total of four letters have been submitted raising the following concerns:

- The area has a large number of dwellings allocated as affordable units, with some unoccupied and others not fit for habitation. Would it be more prudent for the local authority to renovate the existing dwellings rather than build new to ensure affordable housing targets are met?
- The building of more flats would be over-development of the area and affect the 'family' aspect of the neighbourhood. The behaviour from occupiers of existing flats in the area is a problem.
- Residents are concerned that the access is a narrow one-way street frequently used by pedestrians and cyclists. Any more parked cars would put their safety in jeopardy.
- Some residents currently have to use the application site to manoeuvre out of their parking spaces.
- Residents point out that there are existing on-street parking problems in Forge Street and Forge Lane and there is concern with regards to access for emergency service vehicles
- Residents point out that five parking spaces for eight units would not even provide 1 space per unit, well below recommended levels. On-street parking is an existing problem, particularly being so close to the park/bowling green and Astroturf.
- Development would deplete the public open space and green areas in the vicinity and there would be loss of open views over the site.
- Lack of privacy between windows in No 3 Forge Lane and proposed flats and overlooking rear gardens of dwellings in Forge Street.
- The occupiers of 3 Forge Lane are concerned there will be a reduction in natural sunlight to their property.
- Some residents are concerned there would be an increase in noise in a quiet street.
- Reduction in property value of existing dwellings.

CONSULTATION

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering – no objection subject to a condition requiring a scheme for surface water drainage

Public Health and Protection – no objection subject to conditions and advisory notes

Natural Resources Wales – no objection.

Welsh Water – no objection subject to conditions and advisory notes.

Wales and West Utilities - raise no objection to the proposed development and provide details of the location of their apparatus in the vicinity of the application site along with details of safe working practices to be adopted when working in the vicinity of it.

South Wales Fire and Rescue Services – no observations received.

Countryside Section – no objection subject to conditions

Structural Engineer – requires a condition requesting design details and structural calculations for the proposed retaining wall

Coal Authority – no objection subject to an advisory note.

Police Authority – no objection

GGAT – no objection.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 - sets out criteria for achieving strong sustainable communities.

Policy CS4 – housing requirements.

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

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

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

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

Policy AW8 – sets out the 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.

Policy NSA12 – Development within and adjacent to settlement boundaries.

Planning Policy Wales

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 9 (Housing), 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 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets
Supplementary Planning Guidance: Development of Flats

REASONS FOR REACHING RECOMMENDATION

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

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

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 site consists of vacant land which under the provisions of the Local Development Plan is within settlement boundaries and is unallocated. The site has previously been granted permission for the development of two pairs of semi-detached dwellings, which time expired in November 2015, in this respect it is considered that the principle of the development of the site for residential purposes has previously been established. The proposal is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its location close to local amenities and public transport, with both bus and rail stops in close proximity.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policy CS1, which

seeks to promote the reuse of previously developed land, and residential development in locations which will support principal towns and key settlements in the Northern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

Impact on the character and appearance of the area

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

The proposed scheme is for a total of eight one bedroom flats, with four flats in each building arranged over two floors. The proposed flats are 'walk-up' design, which are two storey buildings with separate entrance points. The front elevation of both buildings has the appearance of a pair of semi-detached dwellings. The materials proposed include stone walls and tiled roofs. The surrounding area comprises a modern designed detached and pair of semi-detached dwellings set back from the highway located opposite the site and more traditional terraced dwellings and a more recent link of dwellings in Forge Street all set at the back of the pavement. Existing materials in the area comprise a mixture of face brick, spar-dash and render walls and tiled roofs. It is considered that there is no consistent architectural style in the area, therefore the scale, siting, design and external materials of the proposed buildings would be acceptable.

The proposed layout includes railings to the rear of the proposed parking spaces to provide some defensible space for the small areas either side and between the two buildings. These areas will accommodate cycle parking and bin storage areas. There is some concern with regards to the location and number of bin storage areas, that is, six for the eight flats, a condition is therefore recommended to require a revised layout for the bin storage and cycle parking areas, which shows one bin store per flat.

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

Impact on residential amenity and privacy

With regards to the impact on neighbouring residential amenity, concern has been raised with regard to loss of privacy to the occupiers of No. 3 Forge Lane located opposite the site and to the rear gardens in Forge Street. It is acknowledged that there will be some overlooking between the front windows in No 3 Forge Lane and two bedroom windows (ground and first floor) of the proposed flats. There will be a distance of approximately 18.5m between the habitable room windows. Given this distance it is considered that the degree of overlooking and loss of privacy would not be so great an extent as to warrant the refusal of this application. There are no windows in the pine end of 7 Forge Street and no windows will overlook the rear gardens of properties in Forge Street.

The proposed buildings are two storey high and located in excess of 18m from the front elevation of No 3 Forge Street it is not considered that there will be an unacceptable reduction in natural sunlight to this property.

Residents have raised concern that the building of more flats would be over-development of the area, affect the 'family aspect' of the neighbourhood and there are existing problems with behaviour from occupiers of existing flats in the area. It is acknowledged that there are a number of flats located in the area, with a number on Ystrad Road, however, the Council's Housing Section has advised that the local market housing assessment for 2015/16 has indentified a need for 5 additional 1 bed flats per annum within Pentre from 2014/15 to 2019/20, that is, 25 units over the next five years. There is also a shortfall of smaller units within the social housing stock and a lack of affordable, sustainable one bedroom provision in the vicinity. Therefore, the need for such development is satisfied. It is considered that the 'walk-up' design of the proposed development is more likely to render the units as more sustainable, with tenants turn over likely to be far lower than in other types of flats and the lack of communal spaces minimises the scope for anti-social behaviour. It is therefore considered that the 'family aspect' of the area would not be affected to an unreasonable extent by the proposed development. There is also no evidence to suggest that the proposed development would increase noise levels in Forge Lane/Street to an unacceptable degree.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and it is considered that the development would have an acceptable impact on residential amenity. The proposal is therefore considered to comply with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

Issues related to access, parking and highway safety are of concern to local residents. The Transportation Section acknowledges the concerns of residents however, on balance, has raised no objection to the proposed development for the following reasons

The proposal is served off Forge Lane which is part of a one-way system. Forge Street leading to the site has a carriageway width of 4.8m and Forge Lane has a carriageway width of 5.6m along the site frontage. There are continuous footways to the front of existing dwellings that vary between 1.2m and 1.8m which are below the current standard of 2.0m. The 1.2m footway proposed across the site frontage will be similar to existing footways in the area and will allow access for disabled pedestrians and persons with small children. For this reason it is considered that the proposal is acceptable in terms of vehicular and pedestrian access.

Residents point out that five parking spaces for eight units would not even provide 1 space per unit, well below recommended levels. On-street parking is an existing problem, particularly being so close to the park/bowling green and Astro turf. The proposed development of eight one-bedroom apartments requires a maximum of nine off-street parking spaces in accordance with Supplementary Planning Guidance (SPG): Access, Circulation and Parking June 2015 for flats (one space per flat and one visitor space). The proposed layout provides for five off-street spaces leaving a

shortfall in the maximum requirement of four spaces. However, this SPG recognises that a more flexible approach to numbers of parking spaces may be taken. Taking into account the fact that the proposal is located in a sustainable location with public transport routes and local amenities close by and the fact that the levels of car ownership amongst social housing tenants is lower than those associated with privately owned housing, the level of car parking provided, on balance, is considered acceptable.

Residents have raised concern that there are existing parking problems in Forge Street and Forge Lane, especially due to the close proximity of the park, bowling green and AstroTurf. It is noted that parking is an existing problem in the area, which at certain times, such as, during matches on the AstroTurf the problem is at its highest. Residents concern with regards to access for emergency vehicles is also noted. Forge Street and Forge Lane are part of a one-way system and there is limited space for on-street car parking to take place without affecting the free flow of traffic. Should on-street parking be taking place that is blocking access generally and in-particular emergency vehicles then this is a matter for the highway authority to address, that is, consideration whether parking restrictions are required in the way of double yellow lines. However, it is not considered that the proposed development which has a shortfall in maximum parking spaces would make the existing parking problem materially worse.

Concern has been raised that residents currently have to use the application site to manoeuvre out of their parking spaces. Forge Lane has a carriageway width of 5.6m across the site frontage; there is no reason why access over private land should be required for vehicles manoeuvring out of existing parking spaces.

In light of the above the proposed development is considered compliant with those elements of local development plan policies AW5 and NSA12 that are relevant to the consideration of the issues of access, parking and highway safety.

OTHER ISSUES

Ecology

In terms of the ecology of the site the applicants have provided an ecology appraisal, which has been subject to scrutiny by the Council's Ecologist. The general habitat of the site is no higher than of very local significance, however the ecology work did record a slow worm and it highlights the likely potential for nesting birds. The Council's Ecologist has indicated that the findings of the report are acceptable subject to a condition requiring the agreement of a Wildlife, Protection and Mitigation Plan.

Relationship of site with park to rear

The site rises steeply at its rear. Above the site is a small verge area and an access road that serves as the access to the parks depot for the Rhondda area which is used by heavy traffic. The Council's Structural Engineer has visited the site and recommends a condition to require the submission of design calculations and structural calculations for the retaining wall, which will need to be load bearing to support the traffic using this access. The finishing materials of the retaining wall will also be important in this residential area. A condition will also be required to agree

the means of enclosure above the retaining wall for security, amenity and safety purposes.

There is a small verge area immediately above the retaining wall, which has a row of six cherry trees, which have some amenity value, this area has been included within the application site (although lying on Council land). A tree report has been submitted which shows five of the six trees to be in fair to poor condition and 1 tree to be in poor condition. It is considered that the roots of these trees are likely to be damaged by the construction of the retaining wall. The Council's Tree Officer has raised no objection to the loss of the cherry trees subject to the trees being replaced. However, it is not good practice to plant new 'prunus species', as soil borne diseases can prevent the establishment of new tree plantings. Therefore, a condition requiring the species, size and shape of the replacement trees is recommended to ensure they have amenity value and be suitable both along this narrow verge and in close proximity of residential properties.

Coal Mining

The application site lies within an identified area of risk from coal mining activities and accordingly a Coal Mining Risk Assessment Report was received with the application. The Coal Authority considers that the content and conclusions of the report are sufficient for purposes of the planning system and meet the requirements of Planning Policy Wales and has therefore raised no objection to the proposed development and recommends an informative note to the developer to contact the Coal Authority should any unrecorded coal mining features be unexpectedly encountered during development.

Site Investigation

The Council's Public Health and Protection Section has advised that a search of records relating to potentially contaminating past land uses has shown that a colliery formerly occupied the application site. Therefore, there is a potential for contamination to exist on site. The application has been accompanied by a site investigation report. At the time of writing this report the comments of the Council's Contaminated Land Officer in respect of the contents of the report is awaited. It is therefore recommended that notwithstanding the submitted report a site investigation condition is attached to any planning permission.

Concerns of Residents not addressed above

The concerns of residents are largely dealt with in the assessment above, particularly those dealing with parking and access. However the following points still need to be addressed.

There is concern that the development would deplete the public open space and green areas with a loss of open views over the site. The principle of residential development of the site has previously been established and there is a public park within the immediate vicinity. There is no right to a view over private land that the planning system should protect.

There is no evidence that the proposed development would reduce house prices in the area, however, this is not a matter for the planning system to address.

It is suggested that the empty properties in the area should be brought back into use rather than building new. There are likely to be a number of reasons why there are a number of empty dwellings/properties in the area, such as, land ownership and not providing the type of accommodation required by a developer/purchaser. As discussed earlier in the report a need for the proposed units has been demonstrated.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31st 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 site lies in zone 1 of Rhondda Cynon Taf's Charging Zones, where a nil charge is applicable and therefore no CIL payable.

CONCLUSION

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

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
 - Site Location Plan - Drawing No A001 Revision A- Amended Plan - received 29/10/15
 - Existing Site Layout/Survey - Drawing No A002 - Received 31/07/15
 - Proposed Site Layout - Drawing No A003 Revision E- Amended Plan received 29/10/15 Block A and B Ground Floor Plan - Drawing No A004.1 Revision C - Amended Plan received 29/10/15
 - Block A and B First Floor Plan - Drawing No A004.2 Revision B - Amended Plan received 29/10/15

- Block A Proposed Elevations - Drawing No A005 Revision C - Amended Plan received 29/10/15
- Block B Proposed Elevations - Drawing No A006 Revision B- Amended Plan received 29/10/15
- Proposed Context Elevations - Drawing No A007 Revision C - Amended Plan received 29/10/15

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. Notwithstanding the details on Drawing No. A003 Revision E a revised layout showing 1 bin store per apartment and details of the cycle parking to promote sustainable modes of travel has been submitted to and approved in writing by the Local Planning Authority. The approved bin storage and cycle parking areas shall be implemented prior to the first apartment being brought into beneficial use and retained as such thereafter.

Reason: In the interests of a satisfactory level of bin storage facilities and to promote sustainable modes of travel in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No building operations shall commence until samples of the finishing materials 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.

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

6. Prior to the development being brought into beneficial use the means of access, together with the parking facilities shall be laid out in accordance with the submitted plan A003 Rev C and in accordance with materials that have first been approved in writing by the Local Planning Authority.

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

7. No development shall commence until details of the site boundary setback to provide for a 1.2m footway/vehicular crossover including construction details and tie-in details with Forge Lane 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 and implemented prior to beneficial occupation of the first apartment.

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

8. HGVs used as part of the construction works shall be restricted to between 09:00 am and 16:30 pm on weekdays, with no deliveries on weekends or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall commence until constructional design details, including external materials and calculations of the retaining wall has been submitted to and approved in writing by the Local Planning Authority. Development shall be fully completed in accordance with the approved details prior to the first of the apartments hereby approved being brought into beneficial use.

Reason: In the interests of safety and visual amenity in accordance with Policies DCP14, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

- a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model
- b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.
- c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

The development hereby permitted shall not be occupied and/or operated until

the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

Reason: In the interest of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including the boundary treatment above the proposed retaining wall. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive and secure in the interests of amenity and safety in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until a Wildlife Protection and Mitigation Plan has been submitted and approved in writing by the local planning authority. The plan shall include:

1. An appropriate scale plan mapping the location of features covered in the Plan;
2. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
3. A timetable to show phasing of construction activities in relation to protected species
4. Details of specific mitigation measures for nesting birds (including built in nest box provision), bats (including built in bat box provision), reptiles and excavation works.
5. Persons responsible for:
 - a) Compliance with legal consents relating to nature conservation;
 - b) Compliance with planning conditions relating to nature conservation;
 - c) Installation of physical protection measures during construction;
 - d) Implementation of sensitive working practices during construction;
 - e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - f) Specific species and Habitat mitigation measures

- g) Provision of training and information to all construction personnel on site.

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

Reason: In the interests of animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall commence until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, including a scheme for the replacement of the six cherry trees, which shall include indications of all existing trees (including spread and species) on the land and details of any to be retained together with measures for their protection during the course of development.

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

14. 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 (visual and residential) in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	15/1070/10	(BJW)
APPLICANT:	Mr O Palo	
DEVELOPMENT:	Conversion of 4 bedroom flat into two self contained two bedroom flats	
LOCATION:	TYLORSTOWN NEWSAGENTS, 249 EAST ROAD, TYLORSTOWN, FERNDAL, CF43 3HG	
DATE REGISTERED:	29/07/2015	
ELECTORAL DIVISION:	Tylorstown	

RECOMMENDATION: Approve

REASONS:

The proposed sub-division of the existing 4 bedroom flat into two no. two bedroom flats is considered to be acceptable in terms of the use of the

property and the surrounding area and would not have a detrimental impact on neighbouring properties or highway safety considerations.

APPLICATION DETAILS

The application seeks consent for the conversion of the existing 4 bedroom flat into two self contained two bedroom flats at 249 East Road, Tylorstown, Ferndale. The application is being reported for Members consideration at the request of Councillor Adams in order to assess the impact that the number of flats could have within the immediate area.

There would be no external alterations proposed by the application. An existing doorway on the lower ground floor at the side of the building would grant access to a single two bedroom flat on the first floor. The flat would consist of a hall; bathroom; lounge and kitchen 2 no. bedrooms at first floor.

The existing doorway on the ground floor at the side of the building would then grant access to a second two bedroom flat. This flat would consist of a hall; bathroom; lounge and kitchen at lower ground floor level and 2 no. bedrooms at ground floor.

The existing retail use of the ground floor of the property, currently a newsagent, would remain and is not subject to change within the application.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the proposed development would convert the existing accommodation at the property into two smaller residential units. It is maintained that the proposal would not have a detrimental impact on neighbouring properties or change the character or appearance of the building.

SITE APPRAISAL

249 East Road, Tylorstown is a large, end of terrace, commercial property located within a predominately residential area in the village of Tylorstown. The property was previously in retail use, as a newsagents, with a single flat above.

Although a predominantly residential area there are several commercial properties and community buildings within the immediate locality including a general store, butchers, hairdressers, takeaway, club and library.

The application property has a two storey street frontage but has a 3 storey rear with a sub-basement level. Properties either side are in residential use.

PLANNING HISTORY

15/0700	249 East Road, Tylorstown, Ferndale, 3HG	CF43	Change of use A1 News Agents to A3 Takeaway serving fried chicken and burgers to include new external flue,	REF	21/07/15
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conversion of 4
bedroom flat into two
self contained two
bedroom flats.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. No responses have been received.

CONSULTATION

Transportation Section – There is concern with regards the lack of space on-street for the existing and proposed residents. However, taking into account the proposal only marginally increases the off-street car parking demand by one space and taking into account the sustainable location of the property, on balance, the proposal is acceptable.

Land Reclamation and Engineering – No objection.

Public Health and Protection Division – No objection, subject to a condition to restrict the hours of operation during the construction phase of the development and standard informative notes.

Dwr Cymru Welsh Water – No objection subject to conditions and standard informative notes.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary in Tylorstown and is unallocated.

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

Policy AW 2 - supports development in sustainable locations.

Policy AW 5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW 6 - lists design and place making criteria that will be supported in new development proposals.

Policy NSA 13 – gives criteria for the conversion of large buildings for residential purposes.

Supplementary Planning Guidance: Development of Flats – Conversion and New Build.

NATIONAL GUIDANCE

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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 7 (Economic Development).

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is located within a predominately residential area, although there are several commercial and community uses within the immediate locality. The commercial use as a newsagents (Use Class A1) could have a negative impact on neighbouring properties due to early morning opening, particularly for paper deliveries, however this is considered to be unlikely and it is not proposed to change the use of the commercial element of the premises as part of the current application.

There is also already a unit of residential accommodation above and to the rear of the existing commercial unit at the premises. The existing single unit is a substantial four bedroom residence set over the three floors at the rear of the site. The proposal is to sub-divide the existing unit into two no. two bedroom flats, that would use the existing side entrances at the site.

It is considered that the proposed units would provide an acceptable standard of accommodation that would comply with the Council's policies and Supplementary Planning Guidance (SPG) on the conversion of existing buildings to flats. This acknowledges that flat development within existing buildings may offer an opportunity for existing building stock to be retained and reused. It is emphasised that such flat development in sustainable locations has a range of potential benefits

including providing residents with the opportunity to live close to existing services and facilities and access to a range of transport options.

There would be sufficient space within each new unit and the rooms would have a reasonable outlook and levels of natural daylight and ventilation using the existing window openings at the property. There is a separate area for bin storage and access to the external area for amenity purposes.

Additionally, the units can comply with the fire safety and building regulations as part of a separate application that will have to be made should planning consent be granted. Consequently, it is considered that the sub-division of the property is acceptable.

Impact on neighbouring properties

The use of the commercial element of the property is not proposed to be changed as part of the application and therefore this would have no impact on neighbouring properties.

The sub-division of the existing residential unit into two smaller units would be facilitated by internal alterations. There would be no external alterations to the property and the units would utilise existing window and door openings. Consequently, there would be no additional impact on neighbouring properties in terms of loss of privacy and overlooking.

In relation to activity generated from the site it is not considered that the 2 units proposed will generate a significantly greater level of activity in comparison with its previous use as a 4 bedroom unit, particularly as no extension is proposed.

Additionally, it is acknowledged that there has been no objection to the proposal in this respect.

Affect on the visual amenity of the area

As indicated above the proposal would not involve any external alterations to the property and it would remain unchanged and the proposal would not therefore have any impact in the visual amenity of the area.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds. This view acknowledges that there is concern with regards the lack of space on-street for the existing and proposed residents. However, taking into account the proposal only marginally increases the off-street car parking demand by one space and taking into account the sustainable location, on balance the proposal is acceptable.

Other issues

The application is being reported to Committee due to Member concerns over the amount of flats which are already within the surrounding area. It is considered that

the area is predominantly residential and that the proposal accords with the policies and SPG in the Local Development Plan regarding the conversion of existing buildings into residential use.

The type of residential units and tenure are for market forces to determine and are not therefore an issue that can be taken into account in the determination of this application.

The condition to restrict the hours of operation during construction suggested by the Public Health and Protection Division is acknowledged, however due to the scale and nature of the works involved it is considered that such a condition would be unreasonable and unnecessary to impose.

Community Infrastructure Levy (CIL)

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

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

Conclusion

The application is considered to be acceptable in terms of its impact on the amenities of neighbouring residential properties, the visual amenity of the area and highway safety considerations in accordance with Local Development Plan Policies (AW5, AW6, AW10 and NSA13 and Supplementary Planning Guidance: Development of Flats – Conversion and New Build).

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)

- Site location plan - drawing number 51025080B
- Proposed floor plans and elevations - drawing number 51025080P

and documents received by the Local Planning Authority on 27th July 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.

APPLICATION NO: 15/1165/10 (CPU)
APPLICANT: Arena Supplies Ltd
DEVELOPMENT: Single storey building to accommodate site security office associated with a recently completed innovation centre adjacent. (Amended plan received 17/09/15) (Amended Location Address - 29/09/15)
LOCATION: LAND ADJACENT TO ELY VALLEY BUSINESS PARK, LLANTRISANT, PONTYCLUN CF72 9DT
DATE REGISTERED: 02/09/2015
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

Although the application site is situated within a highly sensitive location, the security office building would help support the function of the industrial estate whilst also providing economic benefits in terms of direct job creation. The application has been accompanied by a Flood Consequence Assessment and there are no objections from statutory consultees.

APPLICATION DETAILS

Full planning permission is sought for the construction of a security office on land to the north-west of the innovation centre in Ely Valley Business Park, Llantrisant. The single storey building would measure 10.4 metres wide by 7 metres deep. It would have a monopitch roof design which would slope from a height of 4 metres down to 3.6 metres adjacent to the northern boundary. The external walls and roof of the building would be constructed from a powder coated cladding system in PVF2 silver to match the finish of the adjacent innovation building. Internally, it is proposed to accommodate an office area, a shower room and a small lobby area. Three off road parking would be provided as part of the proposed development. Two spaces would be provided to the front of the building and a disabled parking space would be positioned alongside the eastern side elevation of the building. Vehicular access would be via Ash Grove which is to the north of the application site.

The application is accompanied by the following:

- Design and Access Statement;
- Flood Consequence Assessment.

The supporting information contained within the applicant's Design and Access Statement outlines that the proposed security office is to be used in association with the recently approved innovation centre. The office would be accessed via the existing gated entrance at the north of the site and would be staffed 24 hours a day. The finishing materials proposed for the building are to match the finish and appearance of the innovation building and it is envisaged that when completed, the

two buildings would be read as one complex. The report acknowledges that the site is adjacent to residential houses and natural planting along the western and northern boundary should be encouraged to help to assist in screening the development from the nearby houses.

SITE APPRAISAL

The site is located on the edge of the Ely Valley Business Park on the western side of the River Ely. It is located outside the settlement boundary, and is within a green wedge. It is also within a Site of Importance for Nature Conservation (SINC), as identified by the Local Development Plan. The Ely Valley Business Park is located to the east of the site and contains many light industrial buildings. A relatively new residential estate is situated to the north and open countryside surrounds the site to the west and south.

The proposed security office would be sited on an irregular shaped parcel of land located to the north-west of the innovation centre building. It has a gravelled surface and a gentle slope that falls mainly towards the western boundary. It is screened to the north by an existing landscaping scheme which precludes the view of the site from Meadow View.

PLANNING HISTORY

12/0906	New two storey building to accommodate Arena Supplies Ltd with workshop floor space & associated offices for an innovative design centre. Granted 23/11/2012
03/0271	2 new industrial units and access road Granted 16/05/2003

PUBLICITY

The application has been advertised by means of direct neighbour notification, site notice and a press notice. 4 letters of objection have been received from 3 residents residing at Meadow View. The concerns raised are summarised as follows:

- Questions are raised in relation to the need for a security office and suitability of the location;
- The impact of the development on the outlook of neighbouring residential properties;
- Concern that the granting of this application would lead to further development encroaching into an established residential area;
- The proposed building protrudes beyond the building line and will be opposite numbers 2, 3, 4 and 5 Meadow View.
- Questions are raised over why the applicant sold his land for housing and later applied to locate the industrial estate closer to the residential area;
- Concern is raised that the construction of the proposed security office would lead to an increased level of traffic and disturbance at all hours, to the detriment of residential amenity.

- It is claimed that the land has been raised by approximately a metre over the last 7 years and it is questioned whether the applicant should have sought approval for this.

A 'Petition in Support' with 18 signatures and 6 individual letters of support have also been received from residents and businesses in the area.

Councillor Paul Griffiths has also raised the following concerns:

- The application site is in a Green Wedge;
- The development would encroach on the floodplain and could impact on its capacity.

CONSULTATION

Transportation Section:	No objection.
Land Reclamation & Engineering:	No objection.
Public Health & Protection:	No objection.
Natural Recourses Wales:	No objection.
Dwr Cymru Welsh Water:	No objection.
Western Power:	No adverse comments received.
Wales & West Utilities:	No adverse comments received.
Countryside, Landscape & Ecology:	No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside the settlement boundary. It forms part of a green wedge and a designated Site of Important Nature Conservation (SINC). It also falls within a C2 Flood Risk Zone. The following Local Development Plan Policies are considered to be of relevance in the case of this application:

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 – provides criteria for the protection of the SINC

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

Policy AW 14 – Safeguards recourse of sand and gravel from development

Policy SSA22 – Identifies the site as a Green Wedge aimed at preventing coalescence between and within Llanharan, Llanharry and Pontyclun.

Supplementary Planning Guidance:

- Design and Placemaking;
- Delivering Design and Placemaking – Access, Circulation & Parking Requirements;
- Nature Conservation;
- Employment and Skills.

:

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), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), 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 23: Economic Development;

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:

It is considered that the main issues involved in the assessment of this application relate to whether the principle of new development would be acceptable having regard to its location outside the defined settlement boundary and within a Green

Wedge and a SINC. Other matters to be considered are the impact of the proposed development on residential amenity and its flood risk implications being situated within a C2 Flood Risk Zone.

Principle of the proposed development

As noted above, the application proposes the construction of a security office building on land located outside but adjacent to the defined settlement boundary. The site is subject to a number of constraints as the land falls within a C2 flood risk zone and also forms part of a locally designated Green Wedge and SINC. The policies contained within the Local Development Plan aim to steer new built development to sustainable locations which are within the settlement boundary and are compatible with the surrounding land uses. They also seek to protect the countryside from inappropriate forms of development which would have a detrimental effect on agriculture, the landscape and the amenity value of land. The designation of the land as a Green Wedge places a further constraint in that consideration must also be given to the appropriateness of the development in relation to the aim of Policy SSA 22 which seeks to prevent coalescence between the settlements of Llanharan, Llanharry and Pontyclun.

On consideration of the application it is noted that the proposal appears to be for an ancillary building for the workshop and offices permitted as part of the Innovation Centre in 2012 (Ref: 12/0906/10). It is acknowledged that the existing innovation centre building similarly infringed upon the settlement boundary, Green Wedge and SINC but was approved following the submission of a satisfactory justification statement and confirmation that employment opportunities would be secured. Having regard to this it is considered that the settlement boundary line to the east of the application site is in need of being updated and the Green Wedge boundary which ultimately follows the line of the settlement also needs to be reviewed as part of the Local Development Plan process. It is however considered that the proposal for a building on open land in a Green Wedge is inappropriate development. As such, it needs to be questioned as to whether building on open land outside the settlement boundary and in a Green Wedge is justifiable.

It is noted that Planning Policy Wales (PPW) advocates a positive approach to economic development. In the case of this application, the direct job creation would equate to 3 full time positions, which is small, but since the proposed building would be ancillary to the recently completed innovation centre, it can be said to support and sustain the business and its jobs. It is also acknowledged that the building would be small in footprint (68 sq m) and height and as a result, its visual impact on open land would be insubstantial. Therefore, it is considered that the economic benefit should outweigh the conflict with local development plan policies and thus on balance, there is no policy objection to this application.

As Members will be aware, a new SPG designed to promote employment and skills was adopted in June this year with a view to assisting employment within the County Borough. Whilst this particular development falls below the threshold which would require an employment and skills plan, it is acknowledged that the proposal will provide opportunities for employment.

Therefore, given the particular circumstances of this case, the principle of the development is considered to be acceptable subject to an assessment of the material planning considerations set out below:

Impact on the character and appearance of the area

The proposed security building has been designed to reflect the appearance and finish of the existing innovation centre building. It is limited in terms of its scale and height and would be screened from the residential area by the existing landscaping positioned along the northern boundary. Whilst it is acknowledged that the site does fall outside the settlement boundary and is located within a Green Wedge, it is considered to represent a natural rounding off of the estate. It is however considered that a strong landscaping scheme would be required to soften the visual impact of the built development from the grassland area to the south and south-west. It is also prudent to restrict outside storage at this site having regard to its sensitive location.

Impact on residential amenity and privacy

Whilst noting the close proximity of residential properties to the site, it is not considered that the security building would adversely impact upon the amenities of those living closest. A security office is considered to be a compatible and an appropriate use in an area which is on the periphery of an industrial estate and in close proximity to residential properties. The use by virtue of its very nature is not considered to result in significant level of noise and disturbance which would be detrimental to neighbouring amenity. The comments made by residents regarding the impact of the building on the outlook from neighbouring properties are also acknowledged. However, the building is single storey in height and would be screened from these properties by the existing landscaping along the northern boundary. However, in light of the proximity of the development to neighbouring properties it is considered necessary to restrict the future use of the site to uses falling within Use Class B1 only, in the interest of residential amenity. As such, it is not considered that the proposed building or use would be harmful to the amenities of neighbouring properties.

The Council's Public Health Department has assessed the proposal and has raised no objection subject to conditions relating to hours of construction for the proposed development and the submission of a scheme to deal with potentially contaminating past land uses. Whilst the suggested conditions are acknowledged, due to the scope and nature of the proposed development, it is not considered necessary or appropriate to control the hours of work during the construction phase of the development as hours of construction are governed under other legislation. In respect of other matters raised by residents not already discussed above, the need for the development and its location is not considered to be a material consideration in the determination of this application.

Access and highway safety

Turning to the impact of the proposed development on highway safety, it is noted that the Transportation Section has assessed the plans submitted and has raised no objection to the proposal. It is noted that the proposal would provide 3 parking

spaces which is considered to be in line with the Council's Supplementary Planning Guidance. There is however some concern regarding the access arrangements proposed for the disabled parking space and therefore a condition has been suggested to approve the layout and the access/egress arrangements prior to the commencement of the development.

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.

Flood Risk

The application site lies entirely within Flood Risk Zone C2 and a number of concerns have been raised over the implications of the proposed development on the flood plain of the River Ely and Nant Melyn. As Members may recall, planning permission was recently granted in 2012 for the construction of the innovation centre building which is adjacent to the proposed development site (Ref: 12/0906/10). The approved layout plan showed four parking spaces being located on the western side of the access road. These spaces are however to the south of the proposed security building and are not affected by the proposed development. An FCA produced by Parsons Brinckerhoff was considered as part of the application for the innovation centre and has been resubmitted for the consideration of the current application, which proposes the erection of the security office approximately 13 metres to the north-west of the innovation centre.

The FCA identifies that there are no records of flooding at the development site and the ground levels are already approximately 600mm above the flood level predicted for a 1 in 100 years plus climate change event. The questions raised by a local resident and the Local Member regarding the level of the site and the concern that the ground level has been raised potentially without permission over a period of 7 years has been acknowledged. In this respect, it is noted that an existing topographical survey of the site was requested from the applicant and has subsequently been reviewed by NRW. A comparison between this survey and the topographical survey provided as part of the FCA for application 12/0906 does show that the land has been raised in some places and it would appear to have been raised up to 800mm. Whilst noting this change, the difference in level is considered acceptable.

NRW has also assessed the information contained within the FCA and the topographical survey submitted by the applicant and has confirmed that the site lies entirely within Zone C2 and is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ely. It considers that the information provided in the FCA for the completed innovation centre is appropriate for the use in the determination of this application and in this respect, it is noted that the site for the proposed security office has been surveyed and assessed to be above the 1% (1 in 100 year) plus climate change and 0.1 % (1 in a 1000 year) flood levels at this location. Therefore, the proposed security office is predicted to be flood free up to a 0.1% flood event and it will not affect the capacity of the adjacent floodplain which is at a lower level. Therefore, NRW has raised no objection to the

proposed development, subject to a condition requiring the finished floor levels being no lower than 43.540 metres Above Ordnance Datum (AOD).

The concerns raised by the Local Member have been pursued with NRW. In response to these issues, NRW has confirmed that the site for the proposed security office is above both the 1% (1 in 100 year) plus climate change and 0.1% (1 in 1000 year) flood levels at this location and this places the site above the design flood levels. As a result, NRW are of the view that the proposed development will not have a flood risk impact locally or indeed cumulatively to the floodplain in this area or further downstream within the River Ely catchment. Having regard to these comments, it is considered that the development would not adversely impact upon the capacity of the floodplain and is considered to be acceptable in this regard.

The Council's Drainage Section note that surface water run-off from the proposed development would be discharged into an existing watercourse. A drainage condition has therefore been suggested to ensure that full drainage details are submitted to and approved in writing prior to the commencement of the development.

Ecology

The site forms part of a Site of Important Nature Conservation. The Council's Ecologist has visited the site and has noted that the proposed security office would affect a gravel/aggregate area and not the immediately adjacent floodplain grassland which is part of SINC No.94. As such, it is not considered that an ecological objection under Policy AW8 is warranted in this case. However, it is considered that a landscaping condition should be required to allow for a hedgerow or similar planting along the SINC boundary.

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 liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

Although a number of constraints exist at this application site, it is considered on balance that the principle of the proposed development in a Green Wedge and outside the defined settlement boundary is acceptable and therefore there is no policy objection to the application. The use of the building as a security office is considered to be appropriate and NRW has raised no objection to the proposed development within a C2 Flood Risk Zone subject to a condition relating to the finished floor levels. Therefore, the proposed development is considered to be acceptable and compliant with 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 plan(s) no(s)

- 03/2015/PL/001 dated 02/09/15
- 19/2011/004E dated 17/09/15
- 03/2015/PL/002A dated 02/09/2015

and documents received by the Local Planning Authority, 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 development shall not be brought into beneficial use until space has been laid out within the site for vehicles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The submitted details should include swept path to show access and egress to the proposed parking spaces. The spaces shall be retained for the parking of vehicles thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development or site clearance shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.

Reason: To ensure that the new development will be visually attractive and to mitigate the impact of the development upon the Green Wedge and the Site of Important Nature Conservation in the interests of amenity in accordance with Policies AW5, AW6, AW8 and SSA 22 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

- a) A desk-top study to identify and evaluate all potential sources

and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

- b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
- c) A written method statement for the remediation of contamination affecting the site

Reason In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

- 6. No development shall commence 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.

- 7. The development hereby permitted shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by Parsons Brinckerhoff, Reference 3512158A/1.1 dated 11 October 2015 and the following mitigation measures detailed within the FCA:

Finished Floor Levels are set no lower than 43.540 metres Above Ordnance Datum (AOD) (Newlyn) - Sections 2.2.2 and 3.1.1 of the FCA.

Reason: To ensure that the floor levels of any proposed buildings are above the flood level in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 8. The building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 5 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

- 9. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The building shall not 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.

11. There shall be no outside storage whatsoever on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with Policies AW5 and AW6, of the Rhondda Cynon Taf Local Development Plan

12. The premises/land shall be used for B1 (Office/Light Industry) uses only and for no other purpose; including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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

13. 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 and to mitigate the impact of the development upon the Green Wedge and the Site of Important Nature Conservation in the interests of amenity in accordance with Policies AW5, AW6, AW8 and SSA 22 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	15/1222/10	(EL)
APPLICANT:	Mr P Williams	
DEVELOPMENT:	Single storey extension.	
LOCATION:	THE CAMBRIAN CAFE BAR, CAMBRIAN INDUSTRIAL ESTATE, BLAENCLYDACH, CF40 2XX	
DATE REGISTERED:	28/09/2015	
ELECTORAL DIVISION:	Cwm Clydach	

RECOMMENDATION: Approve subject to conditions
REASONS:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed works are acceptable in terms of scale, design; impact on residential amenity and highway safety.

APPLICATION DETAILS

Full planning permission is sought for the construction of a single storey extension to Cambrian Cafe Bar, Cambrian Industrial Estate, Blaenclydach.

The proposed extension would be located to the south east elevation of the building. It would measure 8.5 metres in width and 3.8 metres in depth. It would have a mono pitch roof construction, extending to 3.0 metres at its highest point and 2.6 metres at its eaves. The proposed extension would be finished with goose-wing grey cladding panels to match the finish and materials of the existing building. The construction would provide additional floor space to create an enlarged lounge bar and allow the internal re-configuration of the remainder of the building.

SITE APPRAISAL

The application property is an existing cafe bar located within a plot of 1700m². Two buildings are located within the site, with the southern most property being in use as a cafe bar. The building has an irregular floor plan, with a curved roof construction, its elevations are finished in grey cladding panels. The proposed extension would be constructed to south east elevation of the property on an area that currently accommodates a planting bed. Vehicular access is gained via a road that connects with the main highway (leading to Clydach Council Offices) to the south. To the north west the site is bounded by a lake, with the building benefiting from an outdoor seating area which overlooks this. A public car park is located to the east of the site.

PLANNING HISTORY

07/2183	Erection of garage (Amended plans received 08/01/08)	Granted with conditions	27/02/08
07/1620	Conservatory extension, solar panel, photovoltaic panel and rain water harvesting system. (Amended plans received 19/11/07)	Granted with conditions	17/12/07
04/2368	Replace timber framed façade and doors and roller shutters. Erect cold room extension and safety barrier with gates.	Granted with conditions	21/02/05
02/0231	Change of use from visitor centre to community sports facility with a café/bar	Granted with conditions	26/04/02

99/6008	Informal enquiry to place a container in the rear of staff car park	Permitted development	08/01/99
97/6452	Informal enquiry for on site storage	Permitted development	29/08/97
96/0025	Visitor Centre	Granted with conditions	19/04/96
95/0781	Construction of visitor centre & associated car parking landscaping.	Granted with conditions	11/10/95
95/0085	Importing of fill for environmental /landscaping	Granted	28/04/95
94/0241	Importing of fill for environmental /landscaping	Granted	13/06/94

PUBLICITY

The application was advertised by direct neighbour notifications and site notices. No representations have been received in response to the publicity.

CONSULTATION

Highways and Transportation - no objections raised.

Natural Resources Wales – no objections raised. Informative notes recommended drawing the applicant's attention to the need to install flood proofing measures as part of the development.

Public Health & Protection – no objections raised. Informative note recommended advising that adverse ground conditions may exist on site.

Dwr Cymru – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside settlement limits and within a coal resources area.

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW 10 sets out the criteria for Environmental Protection and Public Health, requiring that proposals should not cause or result in a risk of unacceptable harm to health and / or local amenity because of (amongst other factors) flooding.

AW14.4 sets out the criteria for safeguarding of minerals.

NSA12 sets out the criteria for development within and adjacent to settlement boundaries in the Northern Strategy Area.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 7 (Economic Development), 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 15: Development and Flood Risk;

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

It is acknowledged that the application site is located on a parcel of land that is outside of the defined settlement limits, where development is usually restricted. However, the application represents the enlargement of an existing building, with an established use as a cafe bar. As such, in this case it is considered that the principle of a relatively modest addition to the property, to enable the continued operation of the business is acceptable, subject to an assessment of assessment of the following criteria;

- The impact of the proposed development upon the character and appearance of the building surrounding area
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the proposal on highway safety.

Character and Appearance

As set out above, the proposed extension to the building would be located to the south east of the property. The building is orientated in order that its main elevation overlooks the lake; as such, the rear of the building (and proposed extension) would be visible on approach to the site from the main highway. However, the proposed extension would be of a scale that is well related to that of the existing building providing approximately 32m² of additional floor space, allowing an enlargement of the existing lounge bar. Furthermore, the proposed extension would be limited to single storey height, thereby reducing its potential mass and bulk to an acceptable degree. It is also noted that the addition would be finished in materials to match those of the existing building. As such, overall, it is not considered that the resulting

development would appear either harmful or out of keeping with the character of its immediate setting.

Amenity

Whilst the site is visible from properties on Jones Street and Glan-y-Llyn to the north, it is separated from these residential areas by the lake. Furthermore, since the extension would be sited to the south east elevation, the proposed addition would not be visible to these residents. It is acknowledged that the proposed extension of the premises may result in some increased activity and intensification of use at the site; however, it is not considered that any impacts resulting from this would be so great as to adversely affect the levels of amenity, which the residents of nearby properties currently enjoy.

Highway Safety

In order to aid in the assessment of the development upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that access to the bar is gained via an un-adopted road with a carriageway width of 3.8 metres. It is noted that a turning head is provided at the end of this access road (next to the building), allowing access and egress in forward gear. Having assessed the layout, it is apparent that the proposed extension would encroach onto this turning area, resulting in vehicles having to make multiple manoeuvres to exit the site in forward gear, or having to reverse to the nearby car park. However, a large proportion of the turning area would be retained and any reversing movements to the car park would be over an un-adopted access road. As such, it is not considered that the proposal would result in reversing movements onto the adopted highway and main road to the south of the site, or adversely affect the free flow of traffic along this route.

In accordance with the Council's Supplementary Planning Guidance, the existing cafe bar would require a maximum of 40 parking spaces, with the proposed extension increasing this by 6. Whilst it is acknowledged that there is only space within the site to provide parking for 6 vehicles the cafe is adjacent to a public car park, where space is available for 26 vehicles. As such, on balance it is considered that there is sufficient parking available in the immediate vicinity and that the proposal would not increase demand to an unacceptable level. Therefore, their response concludes by raising no objections to the application.

Overall, having assessed the scheme, it is not considered that the development would adversely impact upon highway safety either within the site itself or the surrounding area. As such, no objections are raised

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.

In order to aid in the assessment of flood risk, consultation has been undertaken with Natural Resources Wales. Their response confirms that the application site lies

entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Nant Clydach, a designated main river.

Their response states that given the scale of the proposed development (and in the absence of a flood consequence assessment) Natural Resources Wales consider the risk could be acceptable, subject to the developer being made aware of the potential flood risks, and being advised to install flood-proofing measures as part of the development. As such, their response concludes by raising no objections to the development; however, should Members be minded to approve planning permission, an informative note is recommended, which draws the applicant's attention to advice and information on the incorporation of flood resistance/resilience measures into the design and construction of the development.

Consultation has also been undertaken with the Council's Public Health and Protection Section. Their assessment raises no objections to the planning application, however it does identify that the site is on the former Cwm Clydach Colliery, as such there is potential for contamination to exist on site. Therefore, it is recommended that an informative note be attached to any permission granted, which draws the applicant's attention to the fact that adverse ground conditions may exist on site and that the applicant may wish to incorporate protection measures within the fabric of the building.

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 liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is nil and therefore no CIL is payable.

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, upon residential amenity and its potential impact upon highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with

the approved plan(s) no(s)

- Location Plan scale 1:1250
- Block Plan scale 1:500
- Proposed plans and elevations scale 1:100 1:50

and documents received by the Local Planning Authority on 09/09/15 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 extension shall match as near as possible the materials of the existing building.

Reason: To ensure that the extension is 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. 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.

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

17 DECEMBER 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

OFFICER TO CONTACT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

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

See Relevant Application File