

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
21 JANUARY 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

Agenda Item No.6
APPLICATIONS RECOMMENDED FOR APPROVAL

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 141408 - Rear garden boundary wall consisting of concrete block construction with a fined down render finish and topped off with a coping stone (retrospective application).(amended plans received 10/11/2015, showing reduction in scope of wall 'a' and render finish to internal wall faces only), 73 Greenways, Abernant, Aberdare
2. Application No: 14/1593 - construction of 9 units comprising of 8 no. 1 bedroom apartments and 1 no. 4 bedroom house and associated works (additional information received 06/02/15 and 09/02/15, amended plans received 30/06/15 amended plans and description 09/12/15), Vacant Land Between 117 And 119 Trehafod Road, Trehafod, Pontypridd
3. Application No: 15/0483 - Variation of condition 1(c) attached to planning permission ref. 11/0643 to enable a further three years for the submission of reserved matters, Land West Of 1-13 Broniestyn Terrace/Penyard Road, Hirwaun, Aberdare
4. Application No: 15/1053 - Construction of Two Detached Dwellings and Associated Garages. (Amended Plans Received 16/12/15), Land at Doddington Place, Pontypridd
5. Application No: 15/1075 - Detached 5 Bedroom Dwelling And Detached Workshop Ancillary to the Use of the Dwelling (Amended Plans Received 17/11/15), Land off Oakland Street, Mountain Ash
6. Application No: 15/1259 - Construction of Three, 3-Bedroomed Terraced Houses, Bryn Henllan, Blaenrhondda, Treorchy

7. Application No: 15/1346 - Erection Of A Building Measuring 2,368.47 Square Metres To Enclose Apparatus Of Consented Gasifier Unit (Under Planning Permissions BBNPA 08/02488/FUL And RCT 08/1735/10) On The Enviroparks Hirwaun Site To Form An Extension And Continuation To The Consented Fuel Preparation Area Building. Landscaping and External Gasifier Plant Equipment, Fifth Avenue, Hirwaun Industrial Estate, Hirwaun, Aberdare
8. Application No: 15/1412 - Two Storey Side Extension, Single Storey Rear Extension, New Entrance Porch With Ramped Access, Decking And The Siting Of Air Conditioning Units. (Amended Description Received 12/11/2015)(Listed Building Consent), Miskin Arms Public House, Hensol Road, Miskin, Pontyclun
9. Application No: 15/1417 - Application for the Erection of Class B1/B2/B8 Units and Associated External Alteration (Phase 4), Phase 4, Hepworth Park, Coedcae Lane, Pontyclun
10. Application No: 15/1425 - Variation of Condition 1 of Planning Consent 10/0601/10 - Extension of Time, Land At Rhombic Farm, Halt Road, Rhigos, Aberdare
11. Application No: 15/1440 - Two Storey Side Extension, Single Storey Rear Extension, New Entrance Porch With Ramped Access, Decking And The Siting Of Air Conditioning Units. (Amended Description Received 12/11/2015) (Bat Survey Received 25/11/15), Miskin Arms Public House, Hensol Road, Miskin, Pontyclun
12. Application No: 15/1460 - Reserved Matters for 74 No. Dwellings, Highways Infrastructure and Associated Works, Land Adjacent To the Meadows, Coedely, Tonyrefail, Porth

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 14/1408/10 (GH)
APPLICANT: Mr C Jones
DEVELOPMENT: Rear garden boundary wall consisting of concrete block construction with a fined down render finish and topped off with a coping stone (retrospective application). (Amended Plans received 10/11/2015, showing reduction in scope of wall 'A' and render finish to internal wall faces only)
LOCATION: 73 GREENWAYS, ABERNANT, ABERDARE, CF44 0GW
DATE REGISTERED: 10/11/2015
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

Full retrospective planning permission is sought to retain a boundary wall constructed to the sides and rear of 73 Greenways, Abernant, CF44 0GW.

The wall encloses the majority of the curtilage of the site, amounting to a total length of nearly 60m, and for much of its length has been erected on top of an earlier retaining wall.

For ease of reference the drawings and plans accompanying the application have presented the wall in four sections:

Wall A: This 11.4m long section has been constructed adjacent to the north-eastern side boundary with the neighbouring property, No. 74 Greenways. As viewed from the application property the height varies between 1.85m and 1.95m, although measured from the neighbouring dwelling the heights increase to 1.95m and 2.5m respectively.

The scope of the application was later reduced and amended to exclude the first 2.3m of wall closest to the house. Although this section would already be considered to constitute Permitted Development, the amendment reflected an ongoing issue whereby it was identified as having been constructed over a foul sewer. Consequently this would either require an amended structure or a build-over agreement with Dwr Cymru Welsh Water. This issue is considered within the body of the report further below.

Wall B: Facing north-west, this has been built along the rear boundary abutting a lane alongside the garden of 10 Agents Row. Viewed from within the application site, this is to a consistent height of 1.9m, and from the opposite, external side, 2.6m.

Wall C: The wall separates the application property from a disused former Council yard and land to the south-west, and is 28.7m long and 1.6m high. However, as measured from the external side, its total height when considered with the extant retaining wall is 3.4m.

Wall D: This is a shorter 7.2m long section of wall which starts from the end of wall 'c', and finishes at a point level with the garage door. The wall also runs adjacent to the shared boundary with no.72 Greenways, to the south-east.

In addition to the structures noted above, the applicant has since built a further short section of block wall, connecting Wall D to the front elevation of his detached garage; but which does not form part of this application as it constitutes permitted development

It is proposed that the internal face of the wall would be completed with a render finish, and fitted with coping stones along the whole length.

The application is presented for determination by the Development Control Committee at the request of Councillors Forey and Bradwick the ward members for Aberdare East.

SITE APPRAISAL

The application property is a detached house of late 20th century design and construction, forming part of a wider residential development to the north-east of Abernant. With elevations of face brickwork, sections of render and brick-on-edge detailing, the house shares common design themes with its neighbours.

Although the house occupies a position mid way along a cul-de-sac, it is located at the end of a shared private driveway spur, which serves a further three dwellings. Consequently, the adopted highway is accessed around 29m to the south-east.

To the front of the house the amenity space includes an area of lawn and a detached garage, which benefitted from an earlier consent. The garden continues around the side of the house to the rear, whereupon it extends to a maximum depth of approximately 14m, and forms an end boundary with the garden of 10 Agents Row.

Neighbouring properties are located between 1m and 34m to the north-east and 10m to the south. The latter, no.72 Greenways, is arranged side-on to the application property; such that the front elevation of no.73 faces towards the neighbour's rear garden.

Lastly it is noted that the north-western edge of the application site is directly aligned with the settlement boundary. The land on the opposite side of the garden wall,

which consists of a disused Council yard and training centre, also forms part of a larger area of land designated as a Green Wedge.

PLANNING HISTORY

The following planning applications are on record associated with this site:

12/0700/10 Detached garage. Granted 21/08/12.

PUBLICITY

The application has been advertised by direct notification to three neighbouring properties.

Two letters of objection have been received, raising concerns about visual appearance, scale, overshadowing, encroachment, structural integrity and build quality, and a restrictive covenant. These objections and other issues are considered further below.

A further letter of representation was received from another neighbour, noting that the proposed render finish to the internal faces only, does not show regard for neighbouring properties. The neighbour also sought assurance about the safety of the wall; however, they stated that they had no concerns about the walls height.

CONSULTATION

Dwr Cymru Welsh Water:

Extensive discussion has taken place between DCWW and the applicant regarding the section of wall which has been built over a foul drain. DCWW has confirmed that the applicant has sought a build-over agreement, although as noted earlier, the scope of the consent sought has been amended

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare.

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

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

National Guidance

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

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the construction of a means of enclosure around the perimeter of a residential curtilage. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

With the exception of parts of sections B and C, the majority of the wall is not readily apparent from the public realm. Thus in terms of its design, siting, massing, scale, materials and overall visual appearance, it is considered to be acceptable.

During the site visit a small section of Wall B was visible from the end of the lane providing rear access to Agents Row. However, this area is well-screened and the lane, which is a no-through route, is unmade and lightly trafficked.

Wall C, which faces towards the disused yard, represents the largest section of the development. It is positioned at least 80m away from the closest dwellings at Windsor Terrace, which are located on Abernant Road to the west. Between those properties and the application site are allotments, other built elevations, open land and mature trees, such that any visual impact, from views across to the wall, is negligible.

Prior to the construction of the wall, the site boundary was demarcated by a close boarded timber fence above the aforementioned earlier retaining wall; a layout

confirmed by aerial photography dating from 2001. It was also confirmed, by a neighbour, that the earlier wall had been constructed around ten years ago. Having established the longevity of the retaining wall, it would appear that in combination with the fence, it would have had a similar impact in terms of its height, scale and mass, to the current arrangement of wall above wall.

However, whilst it is acknowledged that although the inner faces of the wall would be rendered, and then fitted with coping stones, the external faces would be retained as a less attractive untreated concrete block. Nonetheless, the residents of no.74 have already painted the side of Wall A, which faces towards their garden, in a dark green shade.

The application should also be considered in the context of Householder Permitted Development Rights, where unless adjacent to a highway, or within an area where PD rights have been removed; boundary treatments may be erected to a height of 2m without consent. These might be constructed from any material, combination of materials or colours; however attractive or unattractive.

These rights were considered by the journal 'Development Control Practice', which noted that "a consistent problem for local authorities seeking some form of design control over domestic walls and fences is that freedoms already given to householders by the GPDO have meant that many street scenes are already compromised by poorly designed or inappropriately located walls and fences".

Why this becomes relevant to this application is that large sections of the wall are already within the PD height stipulation of 2m, and particularly so where the retaining wall below has, by virtue of its lengthy existence, become the lawful ground level. Furthermore, those sections of the wall that exceed a height of 2m, and face neighbouring properties, do not do so to an excessive degree.

Given the limited visibility of the site from the public realm, and despite the scale and size of the proposals, it is considered that the development would not detract from the character or appearance of the wider area.

Impact on residential amenity and privacy

The proposed extension is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

With regard to maintaining the amenity of neighbouring residents, the wall makes a positive contribution to ensuring privacy by preventing direct overlooking between the application site and other properties.

Nevertheless, the potential impact of the wall upon the outlook of the two neighbouring properties, no's 72 and 74 Greenways should be considered, in the light of two objections received from the residents of one of these dwellings.

In respect of no.72, a site visit by enforcement officers determined that Wall D would be considered to be permitted development, since its height does not exceed 2m where measured from the application site. Photographs taken of the site in 2012 demonstrate that prior to the construction of the detached garage a boundary fence occupied the same position as the wall does now, and this would have emphasised the difference in plot levels in the same way.

As seen from the end of the garden of no.72, where the owner has erected raised decking, the portion of the wall which extends above the neighbour's fence line appears prominent, but measured from the level of the decking is only around 2.3m. Whilst not attractive, it is not considered to be overbearing and is considerably lower than the elevations and roof of the garage behind it. It would also not cause overshadowing because of its southern orientation.

Additionally it was noted from aerial photography that the garden of no.72 was originally shallower than it is now, having been extended in usable depth by around 4.5m, sometime between 2006 and 2010. Previously the side boundary and retaining wall of the application site would not have been as visible to the residents of no.72, whereas their garden extension subsequently revealed more of the wall and the height variations.

Regarding the view from no.74, Wall A only exceeds a height of 2m at around three quarters of the way down the garden. Part of the neighbour's objection concerns the wall overshadowing the garden of no.74, although since the rear elevation of the house faces north-west and the wall appears at its tallest towards the end of the garden, this is not felt to be of significant material concern. If the height of the wall was reduced to 2m or below, the difference in height level would allow for greater overlooking.

Similarly, although the objection refers to the unattractive appearance of the wall, which as noted has been improved by a coat of paint on the objector's side, the earlier point regarding permitted development heights and materials applies. Therefore, having taken the impact of the development on the amenity and privacy of neighbouring residents into account, the application is considered to be acceptable.

Other issues

The objector's letters refer to three other issues, the first of which concerned structural safety. It was alleged that poor quality construction had made the wall unsafe.

The applicant provided a letter from a structural engineer stating that there had been no movement or cracking, and that both the lower retaining wall and boundary wall appeared to be structurally stable, with no sign of structural distress.

Following further correspondence, the Council's structural engineer arranged for two trial inspection holes to be dug, to ascertain the integrity of the retaining wall adjacent to no.74 in particular. Consequently the engineer confirmed that the wall was suitably founded and that he had no concerns for its integrity.

The second objection related to Land ownership, claiming that Wall A had been constructed on the neighbour's land. The objector was advised that as a civil matter between private land owners, it was not one where the planning authority had any jurisdiction or where it could be considered as a material planning concern.

The third issue concerned a covenant or legal agreement signed by the original house purchasers, which placed a restriction on the erection of any wall, fence or hedge between the principal elevation and any abutting roads or footpaths. Whilst a copy of this was provided in correspondence, the objector was advised, via a ward member, that a covenant is a private right and could not be enforced by the planning authority.

Lastly, as referenced earlier, a section of Wall A closest to the dwelling and its neighbour had been constructed over a foul water chamber. Site visits were undertaken by the Council's drainage section and eventually by Dwr Cymru Welsh Water, whereupon it was established that this drain was an adopted asset.

Confirmation was provided by DCWW that they had given technical agreement to the build over agreement sought by the applicant. However following the receipt of the amended application, this section of wall, as permitted development, no longer forms part of it.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered the proposal would not have a sufficiently significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties to warrant a recommendation of refusal. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: Grant

1. The development hereby approved shall be completed in accordance with the approved plans entitled 'Plan View of Boundary, revised', 'Wall A (revised)', 'Wall B', 'Wall C', and 'Wall D', and documents received by the Local Planning Authority on 28th October 2014, 13th October 2015 and 10th November 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.

2. Building operations shall not be commenced until samples of the coping materials and render 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.

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APPLICATION NO:	14/1593/10 (HL)
APPLICANT:	Reach4Saving Ltd
DEVELOPMENT:	Construction of 9 units comprising of 8 no. 1 bedroom apartments and 1 no. 4 bedroom house and associated works (Additional information received 06/02/15 and 09/02/15, amended plans received 30/06/15 amended plans and description 09/12/15).
LOCATION:	VACANT LAND BETWEEN 117 AND 119 TREHAFOD ROAD, TREHAFOD, PONTYPRIDD
DATE REGISTERED:	09/12/2015
ELECTORAL DIVISION:	Rhondda and Cymmer

RECOMMENDATION: Approve, subject to a S.106 Agreement

REASONS

The application proposes the development of 9 affordable residential units on a previously developed site within the settlement limits of Trehafod. It is considered that the development would not have a detrimental impact on the character and appearance of the area; the residential amenity of those living closest to the site; flooding implications; highway safety or ecology. The application is therefore considered compliant with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

The application originally sought consent for the development of 10 units (two No. two bedroom, two storey dwellings and eight No. one bedroom flats). The application was placed on the Committee Agenda for the 6th August 2015 with a recommendation for refusal on the basis of highway safety but deferred, at the request of the Agent, prior to consideration by Members to allow additional information to be submitted in an attempt to overcome the highway objections. These details have now been received and consulted upon.

APPLICATION DETAILS

The application seeks full planning permission for the development of 9 residential units on land at 117-119 Trehafod Road (the site of the former Trehafod Hotel). The accommodation mix would comprise one detached, four-bedroom, three storey house and eight, one-bedroom flats.

The proposed dwelling would measure 5.45m wide, 11.2m deep with a maximum height of 10.1m falling to 7.5m at eaves level. The property would accommodate a kitchen-diner, living room and WC/ shower room at ground floor level with two bedrooms and a bathroom at first floor level and two further bedrooms at third floor level.

The dwelling would front Trehafod Road to the north and would benefit from a small front garden with a 1:12 ramp, enclosed garden to the east (side) and three off street parking spaces, one to the east (in the garden) and two to the west on the opposite of the access that would serve the development as a whole. The dwelling would be parallel to, and comparable in height with Ty Gwyn House Hotel to the west. Externally the property would be finished with brick and render elevations, upvc windows and doors and a concrete tiled roof.

The one bedroom flats would be accommodated within a two storey block adjacent to the southern boundary of the site. The block as a whole would measure 30m wide, 8.0m deep (9.4m including porch projection) with a maximum height of 8m falling to 5m at eaves level. Each flat would have its own front door in the northern elevation. Externally the flats would be finished with render elevations, upvc windows and doors and concrete tiled roof. A private, communal amenity area would be provided to the east of the block. Eight resident parking spaces and two visitor parking spaces provided in the proposed courtyard to the north (front) of the flats. The centrally positioned courtyard would also be used for on-site turning and manoeuvring.

Access to the site would be via a 5.5m, wide vehicular access with 2m wide pedestrian footway to the western side of the access, leading from Trehafod Road, providing access to the flats and the rear off street parking for the detached dwelling. The access as a whole would be located on the western side of the plot, between the proposed dwelling and Ty Gwyn House Hotel. A wheelie bin storage area for refuse and recycling would be provided on the western and eastern sides of the courtyard.

The application is accompanied by:

- A Design and Access Statement;
- A Transport Statement;
- An Extended Phase 1 Habitat Survey; and
- A Flood Consequences Assessment

SITE APPRAISAL

The application site comprises a roughly square shaped parcel of land with an area of approximately 0.11 hectares. The site straddles the boundary between the Cymmer and Rhondda wards. However, the majority of the site is located within the settlement limits of the Cymmer Ward part of Trehafod. The site was formerly occupied by the Trehafod Hotel which was demolished in approximately 2003 and has left a large and at present, fairly unattractive open area of land positioned between terraced properties to the east and west. To the east, a lane separates the application site from a general store. The western boundary abuts the large, two and a half storey Ty Gwyn Guest House. A large concrete play area and access path is located to the south (rear) of the site. The grade II listed Trehafod Memorial Hall, residential properties and the pavement and carriageway of Trehafod Road are located to the north, opposite the front of the site. The site is level with the properties closest to the site.

The site is also located entirely within Zone C1 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004).

PLANNING HISTORY

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

04/2311/10	Site of former Trehafod Hotel	Eight town houses (amended plans received 30/01/06).	Grant 11/12/12
02/1208/13	Site of former Trehafod Hotel,	Outline planning for residential development following demolition of the existing dilapidated building	Granted 20/09/02

PUBLICITY

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. No objections or representations.

CONSULTATIONS

Transportation Section – raise no objections to the amended plans received 09/12/15, subject to conditions.

Public Health and Protection – no objections subject to advice regarding demolition; hours of operation; noise; dust and waste.

Countryside, Landscape and Ecology – no relevant records of statutory protected species within the immediate vicinity. An informative bat note is recommended.

Land Reclamation and Engineering – no objections subject to conditions.

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

Glamorgan Gwent Archaeological trust – The site is located within the Rhondda Registered Landscape of Historic Interest as defined within the Register of Landscapes of Special Historic Interest in Wales. We have considered the impact of the proposal on the historic landscape and conclude that this is not a factor in the determination of the application.

Wales and West Utilities – advice provided regarding the position of apparatus.

Natural Resources Wales - The application site is located entirely within Zone C1 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004).

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site spans the boundary of the Northern and Southern Strategy Areas. However, as the vast majority of the site is located within the settlement limits of the Cymmer ward, the proposal will be assessed in relation to the Northern Strategy Area policies.

The relevant policies in the Local Development Plan are as follows:

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

Policy AW1 defines the housing land supply, to be met partly by development of unallocated land in Key Settlements.

Policy AW2 promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Key Settlements. The locations should not unacceptably conflict with surrounding uses.

Policy AW5 lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals.

Policy AW7 seeks to preserve and enhance sites of architectural and/ or historical merit and sites of archaeological importance.

Policy AW8 specifies that the Authority's natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 seeks to ensure that development proposals will not be permitted where they would result in a risk of unacceptable harm to heath or local amenity.

Policy NSA10 seeks a minimum housing density of 30 dwellings per Hectare and gives criteria for accepting lower densities.

Policy NSA11 seeks the provision of 10% affordable housing on residential development of 10 units or more.

Policy NSA12 gives further criteria for suitable housing development within and adjacent to settlement boundaries.

The following SPG is also relevant to this proposal:

- Design and Placemaking;
- Affordable Housing;
- Access Circulation & Parking Requirements.

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 (Edition 8 January 2016), Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) 8 (Transport) and 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

As detailed above, the application proposes the development of nine residential units on previously developed land, located within the defined development limits of Trehafod. As such the principle of residential development is considered acceptable. The principle has also been positively established by the granting of outline and full consent for residential development of the site. The key considerations with regards to the application have been determined as the impact on the proposal on the character and appearance on the area, the residential amenity of those living closest to the site, flooding implications and highway safety.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

Character and Appearance of the Area

As specified above the application proposes the development of nine residential units provided by way of one detached three storey dwelling adjacent to Trehafod Road and a large, two storey block accommodating 8 one bedroom flats on the southern boundary of the site. It is considered that the density of development in association with the design will not have a detrimental impact on the overall character and appearance on the area.

The site is extremely prominent from both the front and rear. It is considered that the design, size and scale of the dwellings proposed represent an acceptable infill within the area. In general is also considered that the materials proposed would be in keeping with those in the immediate area. Concerns are raised with regards to the use of brick facing on the lower elevations of the proposed detached dwelling. However, it is considered that this matter could be dealt with by an appropriately worded condition.

Although, obviously more modern in appearance, it is considered that this development proposed would blend with the existing built form and provide an appropriate and acceptable infill to replace the existing unsympathetic empty space.

As specified above, the site is located entirely within Zone C1 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004). The Flood Consequences Assessment submitted indicates that a small portion of the site would flood to a depth of between 110 and 260mm with the site as a whole predicted to flood to a depth of between 230 and 420mm in the 0.1% (1 in 1000 year) event (The implications of the positioning of the site within Zone C1 and Natural Resources Wales consideration of the proposal are detailed more fully below). In order to mitigate for the small area that floods, the site will need to be re-graded to a level of 73.8 Above Ordnance Datum (AOD) with the finished floor levels set at 73.9 AOD. The site is currently situated at an elevation of between 73.6 AOD and 73.9 AOD in the north and 74m AOD in the south. Whilst the block of flats would therefore be set marginally higher than the existing and proposed dwellings adjacent to Trehafod Road, it is considered that the offset position of the block behind the main street scene and proposed semi detached dwellings and the height of the existing building to the west of the site, would help off-set the increased floor level and prevent the proposal from having a detrimental impact on the overall character and appearance of the area.

On the basis of the above it is considered that the development would not have a detrimental impact on the overall character and appearance on the area and is compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

The Ty Gwyn Hotel is positioned on the western boundary of the plot and has a number of windows in the southern (rear) elevation and one in the eastern (side) elevation. The proposed block of flats would be positioned approximately 9m to the south of the Ty Gwyn Hotel building. Although the proximity of the proposed development to the existing property could generate some increased overlooking, the block has been designed as such that all windows in the northern elevation would serve non habitable rooms i.e. kitchens and bathrooms. Being mindful of the proposed internal arrangement and the potential to provide new boundary treatments, it is considered that the proposal would not have a detrimental impact on the residential amenity of those living closest to the site.

The plans submitted also indicate the provision of three windows in the western and eastern elevations of the detached dwelling. However, these are small in scale and would serve the ground floor wc and first and second floor landings. As such it is considered that these would not generate an unacceptable level of overlooking and as such would not have a detrimental impact on the residential amenity of those living either side.

On the basis of the above it is considered that the development is compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Flooding

Following consultation Natural Resources Wales have provided the following response:

“The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The 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 years) annual probability fluvial flood outlines of the River Rhondda, which is a designated main river.

The planning application proposes highly vulnerable development on previously developed land within a flood risk area. The Flood Risk Assessment submitted has demonstrated that the majority of the site is flood free during a 1% (1 in 100 years with an allowance for climate change) event. However, a small portion of the site would flood to a depth of between 110 and 260mm. The site is also predicted to flood to a depth of between 230 and 420mm in the 0.1% (1 in 1000 year) event.

In order to mitigate for the small area that floods. the site will be re-graded to a level of 73.8 AOD. This will ensure the proposed development is in line with the guidance set out in A1.14 and A1.15 of TAN 15.

Therefore we have no objection to the proposal subject to the imposition of conditions as recommended.”

In light of the above and subject to the imposition of the conditions recommended, the application is considered compliant with the requirements of policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

Following consultation, The Authority's Transportation Team have provided the following response:

The proposed adopted highway leading to the site has a carriageway width that varies between 7.5m - 8.1m with double yellow lines on the opposite side of the proposal. To the east is a public highway/ lane which measure between 7.3-8.0m in width and provides rear access to properties and the river maintenance gate located to the south. The proposal narrows the available width to 5.0m at the access and 4.2m to the south. The width available to the south is sufficient for two standard vehicles to pass. Taking into account that there would be little vehicular traffic using the lane with the occasional HGV for river maintenance, on balance the proposal is acceptable.

The Highways Team have advised that forming the access with radius kerbing will require the provision of a tactile crossing point along Trehafod Road with a condition recommended accordingly. It is also noted that the proposed visibility splays; footways; internal access; and internal turning area, which is capable of accommodating emergency service and delivery vehicles whilst also providing access to the off street parking spaces for all the units and vehicular and cycle parking provision are also acceptable to serve the development subject to a number of conditions.

On the basis of the above and subject to the imposition of conditions, it is considered that the development would not be detrimental to the highway safety and free flow of pedestrian and vehicular traffic and is compliant with the requirements of policy AW5 of the Rhondda Local Plan

Other Considerations

Ecology

The extended phase one habitat survey, submitted in support of the application, identifies that the site is of low ecological value with no evidence of any species of conservation concern inhabiting or utilising the site. Following consultation the Authority's Ecologist has confirmed that there are no relevant records of statutory protected species within the immediate vicinity. However, it is recommended that an informative bat note be applied to any grant of consent.

In light of the survey documents received, the application is considered compliant with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

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

Affordable Housing

Policy NSA11 seeks the provision of 10% affordable housing on residential development of 10 units or more. Although the application only proposes the development of nine units, the details submitted as part of the application indicate that all of the dwellings would be of Social Rented tenure. As such, the applicant/developer will be required to enter into a Section 106 Legal Agreement to ensure their retention as affordable accommodation. Following consultation, the Authority's Housing Strategy Officer has confirmed that the accommodation proposed is compliant with the standards stipulated in the Welsh Government's Development Quality Requirement (DQR).

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 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.

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.

In this case the developer will be required to enter into a Section 106 agreement to ensure that the units are provided and retained as affordable housing.

It is considered that this requirement meets all of the above tests and is compliant with relevant legislation.

CONCLUSION

On the basis of the above, it is considered that the development proposed would not have a detrimental impact on the character and appearance of the area, residential amenity, highway safety or the ecological value of the area. It is also considered that matters relating to flooding can be appropriately mitigated. The application is therefore considered compliant with the relevant requirements of the policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to conditions and the completion of a Section 106 Legal Agreement to secure the tenancy of the properties for social renting purposes.

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) S.7397-08; 1928(LOC)01 Rev B; 1928(04)01 Rev H; 1928(04) 02 Rev H; 1928(04)10 Rev A; 1928(04)05 Rev C; 1928(04)04 Rev B; 1928(04)06; 1928(04)07 Rev A; and documents received by the Local Planning Authority on 03/12/2014; 23/12/2014; 30/01/15; 09/02/15 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 of the approved plans, the proposed detached dwelling shall be finished with one external material. Prior to installation, samples of the external materials proposed, including colour and finish, shall be submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5

and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Development shall not commence other than site clearance and any necessary site remediation, until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. Foul and surface water discharges shall be drained separately from the site. No surface water shall be allowed to connect either directly or indirectly to the public foul/ combined sewerage system unless otherwise agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. Before the development is brought into use the means of access together with the vision splays, turning facilities for calling delivery, emergency and service vehicles and parking facilities shall be laid out in accordance with submitted plans 1928(04)01 REV H and retained thereafter.

Reason: To ensure the adequacy of the proposed development and to ensure accessibility by emergency services and delivery vehicles, in the interests of highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the details of the approved plans, development shall not commence other than site clearance and any necessary site remediation, until full engineering design and details of the road layout including sections; street lighting details; surface-water drainage details; and tactile crossing points have been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

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

7. Notwithstanding the details of the approved plans, development shall not commence other than site clearance and any necessary site remediation, until details of the tie in with the existing side lane and reinstatement of the cellar opening on Trehafod Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and maintained as such thereafter.

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

8. Development shall not commence other than site clearance and any necessary site remediation, until details of traffic management and wheel washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and to ensure that mud and debris are not deposited onto the public highway, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby approved shall only be carried out in accordance with the approved Flood Consequence Assessment (FCA) dated January 2015 by Earth Science Partnership and the following mitigation measures detailed within the FCA. Finished site levels shall be set no lower than 73.8m above ordnance datum.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	15/0483/15	(GD)
APPLICANT:	Hirwaun Homes and Recreation Co Ltd	
DEVELOPMENT:	Variation of condition 1(c) attached to Planning Permission Ref. 11/0643 to enable a further three years for the submission of reserved matters.	
LOCATION:	LAND WEST OF 1-13 BRONIESTYN TERRACE/PENYARD ROAD, HIRWAUN, ABERDARE, CF44 9TR	
DATE REGISTERED:	20/04/2015	
ELECTORAL DIVISION:	Hirwaun	

RECOMMENDATION: Approve subject to Section 106 Agreement

REASONS:

The principle of the proposed development has been established through the grant of consent of successive planning approvals and since the last extension of time was granted consent there have been no material change in circumstance that would warrant a contrary decision.

APPLICATION DETAILS

This is an application under Section 73 of the Town & Country Planning Act 1990 to vary condition 1 (c) of planning permission 11/0643 which itself sought the extension of planning permission 08/0202 which granted consent in outline for the residential

development of the site with all matters reserved other than the principal means of access to the site, details of which were agreed and show the whole development being serviced from an access point that would be created through Hafod Bungalow, which sits at the northern end of Broniestyn Terrace and Lisburn Rise opposite the junction with railway Terrace.

Condition 1 (c) of the relevant planning consent is as follows:-

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

The current application seeks to vary the condition to allow a further three years for the submission of reserved matters.

One area for consideration that has altered since this matter was last considered has been in the requirement to provide maximum and minimum dimensions for the proposed properties which are now described as follows –

	Lower	Upper
Height	7.5m	11m
Width	27m	70m
Length	8.5m	10m

Members should note that the figure quoted for width relates to a total building mass and not to any individual building

The current proposals are accompanied by the following document

- Design and Access Statement:

SITE APPRAISAL

The application site is relatively flat with an uneven surface and falls away quite steeply in places at its western boundary. The site is relatively overgrown with self-set trees and other scrub, some grassed areas and in the lower lying parts pools of standing water. The uneven surface is largely a result of the underlying demolition material that rises through the surface in certain parts of the site. The land immediately to the rear of Lisburn Rise has a well defined though unmade lane/walkway that is clearly in regular use. The bungalow to be demolished to afford access to the site is currently vacant, boarded and vandalized. The majority of the application site is registered as a village green.

PLANNING HISTORY

11/0643	Residential development (Outline) variation of condition 1(c) of permission 08/0202 to extend the time limit within which an application for the	Approved 18 th June 2012
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submission of reserved matters can be made

08/0202	Residential Development (outline application with all matters other than the means of site access reserved)	Approved 22 nd October 2008
05/1850	Residential Development (Outline Application)	Refused 11/04/07 Appeal Dismissed 27/11/07
51/94/0517	Import of fill material	Approved 16/02/95
51/94/0317	Residential Development (Outline Application)	Refused 12/07/95 Appeal Allowed 17/04/96
51/94/0269	Reclamation Works	Approved 18/12/94

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters, this has generated the submission of 244 letters and emails the vast majority of which make exactly the same points opposing the development on the following grounds. This includes one letter of objection from the open spaces society.

- The principle of the proposed development should be revisited given the length of time that has elapsed since the original grant of planning permission.
- The land is a registered village green well used by many local residents for informal recreational purposes on a daily basis and it is considered “ridiculous” that that the site is even considered for development when any permission is unlikely to be implemented. The land has also been used by the local school for educational purposes.
- As a registered village green the land is protected under section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876. It is an offence to damage or encroach upon a town/village green. The terms of the Sections are wide and cover any act which injures the green or interrupts its use as a place for exercise and recreation. Local People have a right to use the land for lawful sports and pastimes and any development on the green would be a breach of the above legislation.

- The land forms part of a SINC site and since the original consent was granted its flora and fauna has continued to mature and it is now richer in biodiversity value and it is therefore considered that it should remain as it is.
- The proposals intend the demolition of a bungalow to form an access road, the bungalow has been vacant since 2005 and remains an eyesore, it has been the subject of vandalism and fires down the years since. Residents consider it unfair that the continued grant of planning permission would extend this situation rather than have the bungalow itself brought back into beneficial use, if the potential for development is removed.
- The land is not designated for residential development in the Rhondda Cynon Taf Local Development Plan, and its development would be contrary to policy NSA 3(5) & (7)
- Granting an extension of time for this planning application would make a mockery of the whole planning system.
- Road access to this part of Hirwaun is over an old road bridge and allowing residential development of the site will inevitably prove problematic. particularly as extra housing will lead to additional traffic on a road system ill equipped to cope with it, especially in unfavourable weather conditions. Residents do not consider that the village has the infrastructure to cope with the development of the site.
- Increased traffic on this part of the network would represent a threat to the safety of children who play in and around the site.
- One resident considers the application invalid as it appears to be asking for an extension of time in reserved matters.
- It is asserted that the application has not been adequately advertised.

CONSULTATION

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

Drainage – No objection subject to conditions.

Public Health & Protection – No objections

Natural Resources Wales – Raise no objections subject to conditions and advise in respect of the need for land drainage consent to be secured in respect of the development of the site and that in the interests of reducing flood risk runoff from the site will need to be attenuated to Greenfield runoff rates

Dwr Cymru Welsh Water – Acknowledge that the existing extant planning permission includes drainage related planning conditions including a requirement to upsize a stretch of public sewer adjacent to the site and advise that their initial concerns in respect of network and receiving plant capacity have been overcome and that no objection is raised subject to the same conditions being incorporated into any consent issued

Western Power Distribution – Have not commented on this application as at the date of the preparation of this report but raised no objection to its predecessor application.

Wales & West Utilities – Raise no objection to the proposed development and advise in respect of the location of their apparatus in the vicinity of the site and safe working practices to be adopted when working in the vicinity of it.

South Wales Fire & Rescue Service - Have not commented on this application as at the date of the preparation of this report but raised no objection to its predecessor application.

Countryside – Raise no objection to the proposed development in light of the content of the updated ecological information and subject to appropriate conditioning of any consent that might be issued.

Education – Raise no objection to the proposed development subject the developer meeting Section 106 requirements in respect of classroom provision.

Housing Strategy – Policy NSA11 requires the provision of 10% affordable housing on sites of ten units or more in the Northern Strategy Area. Based on the findings of the Local Housing market Assessment 2014/15 it is recommended that an equal proportion of social rented accommodation and low cost home ownership accommodation is provided on site to satisfy these requirements, the precise mix of which will need to be determined prior to the submission of any proposals for the approval of reserved matters.

Leisure – No comment with regard to the current proposals

Glamorgan Gwent Archaeological Trust – Have requested that a condition requiring an archaeological watching brief should be attached to any planning permission granted due to the potential impact of the proposed development on archaeological resources.

Hirwaun Community Council - Consider that the principle of development should be revisited given the length of time that has passed since its initial grant of consent and state that the condition of hafod bungalow is of concern given its association with anti social behaviour

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The Rhondda Cynon Taf Local Development Plan indicates that the site is unallocated for any specific use and within settlement limits. The site lies within the Cynon River Park and is also within an identified Site of Importance for Nature Conservation.

Policy CS 1 encourages the construction of strong sustainable communities in the northern strategy area.

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

Policy AW4 lists community infrastructure contributions and planning obligations that may be sought from a development.

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 aims to protect and enhance the natural environment.

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

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

Policy NSA11 Requires the provision of at least 10% affordable housing on sites of 10 units or more.

Policy NSA12 sets general criteria for the consideration of residential development within settlement limits.

Policy NSA26 sets criteria for development within the Cynon Valley River Park.

Relevant supplementary planning guidance

1 design and placemaking

5 Affordable housing

6 Nature conservation

7 Planning obligations

8 Access, circulation and parking

10 Employment skills training.

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 (Edition 8, January 2016)

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 1: Joint Housing Land Availability Studies
PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
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 11/0643 refers).

In determining the application there are a number of key areas that Members need to take account of, namely, the principle of the development, the planning policy position, the highway situation, ecology and the SINCE status of the site and the village green status of the site, and these are dealt with in turn below.

Main Issues:

Principle of the proposed development

Many residents have suggested that the principle of the proposed development should be revisited given the length of time that has passed 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, as in the present

application, 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 must have regard to the current development plan and whether material planning considerations 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 should be refused preventing the development being implemented. If the material considerations are unaltered or have altered in a manner that favours the development moving forward then the application should be granted allowing the development to proceed.

Planning Policy

There has been no substantive alteration in the planning policy position since this matter was last before Members for consideration. The Local Development Plan remains the main source of policy and though Planning Policy Wales is now working to a later iteration than it was three years ago the advice in respect of this type of proposal remains consistent. Some residents have made reference to the fact that when this site first gained approval it was allocated for development in the former Cynon Valley Local Plan while in the current Local Development Plan it is not and argue that this in itself is reason enough to refuse the application. This is not so as the Local Development Plan site allocation process is completely separate from the consideration of the planning application and whilst the site selection process revealed that the development of the site is constrained (not least by the village green status of the site), and it is now no longer an allocated housing development site, this would not be a reason for the refusal of planning permission if material circumstances direct towards an approval and should those particular constraints be overcome. One resident has suggested that the proposals would be contrary to the requirements of Policy NSA3 (5) & (7), which relates to it adversely affecting a site of local nature conservation importance and to it resulting in the loss of an important open space within the settlement, these matters are dealt with in turn below under ecology and other issues respectively.

Members should also note that the Council is obliged by policy to maintain a five year housing land supply which at present is not being achieved and this of itself is a weighty material consideration that favours this particular proposal. Allowing this consent to continue would help to address the current shortfall in housing land supply (which currently stands at 2.4 years) if the constraints that face the development of the site can be overcome.

Ecology and the impact on the SINC

In the course of dealing with the current application the applicant has updated the ecological information relating to the site and this confirms the ecological value that the site possesses. However, it has not demonstrated any habitat or species issues which are of greater importance than those matters identified in the original ecological reports in respect of this site. The principal difference is that the current report now recognizes the importance of the site as a stepping stone habitat for the Marsh Fritillary butterfly given the proximity of the site to the Blaen Cynon SAC and identifies mitigation measures for any loss of this function. The Council's ecologist

along with Natural Resources Wales have indicated that they are satisfied with the content and recommendations of the updated report and it is clear that this issue subject to appropriate mitigation is no barrier (in planning terms at least) to this development proceeding.

The Village Green

The status of the site as village green is covered by separate legislation and in this instance has no impact as a material consideration on the outcome of the planning application. The Open Spaces Society have made reference to the fact that Sections of the Inclosure Act and Commons Act afford a level of statutory protection to the site given its designation as village green and that the breach of these requirements represents an offence. This is true while the site retains its village green status and this is an issue that the applicant would have to resolve before the site could be brought forward for residential development, it does not though prevent the grant of planning permission.

Access and highway safety

Residents have suggested that in highway terms the route between the centre of the village and the development site is unsuitable and unsafe to serve further development and that since the initial grant of consent circumstances in the centre of the village have altered, with alterations in highway arrangements only serving to make the application site less accessible and its development a greater threat to highway safety. The Transportation Section has advised that there are no highway safety concerns with regard to the current application subject to the re-imposition of previous planning and highway related conditions.

Public Amenity and Open Space

The land is used for casual informal recreational purposes and its untouched and overgrown nature does have some ecological value as addressed above, however, this of itself would not outweigh the importance in planning terms of delivering new housing. Furthermore the redevelopment of the site would compensate for the loss of informal recreational space by the provision of a formal play area or the improvement of such facilities elsewhere in the locality and other opportunities exist for informal recreation across the boundary in the Brecon Beacons National Park. Though well used, the visual amenity value of the land is low representing as it does an overgrown and largely unmanaged area of land.

Other Issues:

The following matters raised by objectors to the application have also been considered, though as detailed below were not the key determining factors in reaching the recommendation.

Residents have suggested that the bungalow on the part of the site that would form its access is suffering increasing dilapidation and that it is unfair that the further grant of planning permission would prolong this situation. This is a consideration that

should be given little or no weight given that other legislation exists to deal with such matters.

The suggestion that allowing this application makes a mockery of the planning process is entirely rhetorical and brings nothing to the arguments presented against the application.

The objection that the village of Hirwaun does not have the infrastructure to support the proposed development. However, no specific type of infrastructure is cited and in any event consultation responses received in respect of the current proposal provide sufficient evidence to the contrary.

The application is a valid application that pursues an approach to extending the lifespan of planning permissions that still functions in Wales.

The application has been appropriately advertised and the Council has more than met its statutory obligation in that regard.

Section 106 Contributions and Community Infrastructure Levy

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.

Welsh office Circular 13/97 Planning Obligations provides that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

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 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.

The Section 106 requirements in this case

If Members are minded to support the proposal a Section 106 agreement is required with the following heads of terms which meet the requirements in Circular 13/97 referred to above:-

- a) The provision of 10% affordable housing on site.
- b) The provision on site of a local equipped area for play (LEAP).
- c) The provision of an appropriate financial contribution to the improvement of educational facilities in accordance with the Council's Supplementary Planning Guidance on Planning Obligations to be provided at the submission of reserved matters.
- d) The provision of a management agreement for areas of Public Open Space/ecological areas to secure the long term provision of the sites and all necessary ecological mitigation

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing on sites that lie within settlement limits as defined in the Local Development Plan. Despite the concerns that have been fully and widely expressed by local residents over the proposed development of this site, all of the relevant planning evidence directs towards a renewal of planning permission on this site

RECOMMENDATION: Grant

1. (a) Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in (a) above relating to the siting, design and external appearance of any building to be erected, the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.
- (d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

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

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

3. Development shall not be commenced until a scheme to deal with contamination of the site 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.

4. The scheme referred to in Condition 3 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.

5. Development shall not be commenced until the measures approved in the scheme referred to in Condition 3 have been implemented.

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

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy AW5 of the Rhondda

Cynon Taf Local Development Plan.

7. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

- Monday to Friday 0800 to 1800 hours
- Saturday 0800 to 1300 hours
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. There shall be no occupation or beneficial use of any dwelling until such time as the public foul sewer from manhole reference SN95069003 to manhole reference SN95059006 is upsized from 150mm to 225mm, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in conjunction with Dwr Cymru/Welsh Water.

Reason: To protect the integrity of the public sewerage system and to prevent the pollution of the environment.

12. No development approved by this permission shall be commenced until a

detailed method statement describing the works to be undertaken and details of any necessary pollution prevention measures during the construction phase of the development have been submitted to and agreed in writing by the Local Planning Authority. Such details as may be agreed shall be fully implemented through the course of construction works.

Reason: To prevent pollution of the environment.

13. Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the environment.

14. Any developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

15. The scale of development shall be limited to a maximum of 130 dwellings.

Reason: To limit the quantum of development to the scale assessed within the transport assessment, to control the impact of the development on the public highway network, and in the interests of highway safety and capacity.

16. The development hereby approved shall be served by a single means of vehicular access from the northern end of Broniestyn Terrace.

Reason: To ensure the vehicular access is constructed as defined is the

transport assessment.

17. The means of access shall be laid out in accordance with the submitted plan number 1699-28-1A and shall be completed in accordance with full engineering details to be submitted to and approved in writing by the Local Planning Authority before any other construction commences on site.

Reason: To ensure the site has a proper means of vehicular access during construction of the development.

18. Access to individual properties shall be completed before each property is brought into use in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

Reason: In the interest of public and highway safety and for the convenience of new residents.

19. Facilities for wheel cleansing shall be provided before works commence on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.

Reason: In the interest of highway safety.

20. No lorries shall access or leave the site between the periods of 08.30 - 09.30 hrs and 15.00 - 16.00 hrs.

Reason: In the interest of highway safety.

21. No development shall commence until full engineering design and details of the offsite highway improvement works shown on drawings 1699-28-01A, 1699-28-02, 1699-28-04A and 1699-32A have been submitted and approved in writing by the Local Planning Authority. The approved works shall be prior to first occupation of any dwelling approved at the site.

Reason: In the interest of highway safety.

22. No development shall take place until a habitat and wildlife protection plan for all land under the applicants control to be implemented through the course of construction works has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the impact of the approved scheme on sensitive habitats and species are appropriately controlled and mitigated.

23. No development shall take place until full details of a landscape and habitat (including watercourse) restoration and creation scheme including long term management and maintenance proposals affecting all land under the applicant's control, has been submitted to and approved in writing by

the Local Planning Authority. Such scheme as may be agreed shall be fully implemented on completion of the building works.

Reason: To ensure that the impacts of the scheme on sensitive habitats and species are properly controlled or mitigated.

24. Notwithstanding the submitted drawings 1699-28-04A and 1699-32A full engineering design and details of the offsite highway improvement works shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site the agreed details shall be implemented prior to the first occupation of any dwelling approved at the site.

Reason. In light of the Hirwaun Village Centre Street scene Enhancement 2011 works undertaken, in the interests of highway safety.

25. No lorries shall access or leave the site during the periods of half an hour either side of the times local schools commence and end their day.

Reason. In the interests of highway safety.

26. The consent hereby granted relates to the site location plan no. CS/71633/UG/100

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

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APPLICATION NO:	15/1053/10	(EL)
APPLICANT:	Mrs L Dober	
DEVELOPMENT:	Construction of two detached dwellings and associated garages. (Amended plans received 16/12/15)	
LOCATION:	LAND AT DODDINGTON PLACE, PONTYPRIDD, CF37 4LP	
DATE REGISTERED:	02/09/2015	
ELECTORAL DIVISION:	Cilfynydd	

Recommendation: Approve subject to conditions

Reasons:

The development of the site for residential purposes is compatible with the area and the design of the properties are acceptable in terms of scale and appearance. The impact on residential amenity and highway safety is also considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the construction of two detached dwellings on a parcel of land accessed off Doddington Place and located to

the west of Merthyr Road, Pontypridd. The parcel of land is irregular in shape and measures approximately 1500m².

The proposed 4 bedroom dwellings would be positioned broadly within the centre of the site, with each measuring 11.0 metres in width and 10.0 metres in depth. Each dwelling would have a ridge roof construction extending to 9.7 metres at its ridge and 5.4 metres at its eaves, with a double gable feature to its front elevation. It is proposed that they be finished in facing brickwork, with tiled roof.

Vehicular access to the site would be off Doddington Place, which bounds the south of the site, with an existing access being utilised. A total of 7 no. car parking spaces would be provided. 5 of these would be located toward the east of the site, with 2 spaces being provided by the construction of a detached double garage. This would measure 6.3 metres in depth and 6.7 metres in width, with a ridge roof construction extending to 5.0 metres at its highest point and 2.6 metres at its eaves. This would be constructed in materials to match those of the dwellings.

SITE APPRAISAL

The parcel of land is irregular in shape and measures approximately 1500m². To the south the site is bounded by Doddington Place, which connects Cilfynydd with Trallwn to the west. To the east the site is defined by the rear boundaries of a number of residential properties, which front Merthyr Road. The site is generally level, however the properties, which form Coronation Terrace to the north, are set at a lower ground level. To the south and west the site is bounded by highway verges which contain a number of trees. To the far west, the site is separated from the A470 by a landscape buffer. The surrounding area is predominantly residential in character, with neighbouring properties being predominantly two-storey terraces.

PLANNING HISTORY

12/0638	Land To Rear And Side Of 211 Merthyr Road, Pontypridd,	4 detached dwellings (outline)	Refuse 07/08/12
05/0437	211 Merthyr Road, Pontypridd	Extension to side of house.	Granted 19/05/05
97/2688	211 Merthyr Road, Pontypridd	Reposition vehicular access.	Granted 02/07/99
97/2884	Rear Of 211 Merthyr Road, Pontypridd	Application for a Certificate of Lawfulness - Storage of building materials, including the parking of builder's vehicles.	Refuse 05/05/00
92/0380	Rear Of 211 Merthyr Road, Pontypridd	Residential Development	Granted 25/09/92
91/0667	Land adjacent to 211 Merthyr Road, Pontypridd	Outline residential planning permission	Withdraw n

86/1128	Land off Merthyr Road, Pontypridd	Residential development (outline)	21/11/91 Granted 25/05/90
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Neighbouring land:

15/0565	Land To Side Of 211 Merthyr Road, Pontsionnorton, Pontypridd	Reserved matters approval sought for appearance, layout, landscaping and scale of previously approved application 12/0880/13 (one detached dwelling) - Amended plans received 8th and 9th October 2015.	Granted with conditions 11/11/15
12/0880	Land To Side Of 211 Merthyr Road, Pontsionnorton, Pontypridd	One detached dwelling (Amended plan received 15/10/12)	Granted with conditions 21/11/12

PUBLICITY

The application has been advertised by direct neighbour notification and the posting of site notices. A total of 3 letters of representation have been received which are summarised as follows:

- It is commented that there is no outline planning permission on the site, with an earlier scheme having been refused on environmental impacts, i.e. air, light and noise pollution from the A470.
- It is suggested that the land is unsuitable for residential use.
- Reference is made to the fact that planning permission has now been approved on land to the side of 211 Merthyr Road for the construction of a dwelling; however one of the plans which accompanies the application still illustrates an access from Merthyr Road (the Ordnance survey site location plan 1:1250).
- The removal of trees (along the northern boundary of the site) would adversely affect the stability of the land and may result in a land slide onto the lane to the rear of Coronation Terrace.
- The dwellings would result in a loss of privacy to residents on Coronation Terrace.
- The positioning of the garages and parking would cause additional disturbance to the occupiers of Coronation Terrace.
- The development would adversely affect the safety of public, due to increased traffic turning in and out of the site and this being a main thoroughfare.

- Concern is expressed with regard to the original sale of the land, which forms the application site. It is suggested that the land, which was originally in Council ownership was not properly advertised for sale.
- Concern is expressed with regard to the potential loss of trees on the site.
- Concern is expressed with regard to the size of the houses proposed.
- A neighbouring resident on Merthyr Road initially expressed concern that the layout of the parking area would result in the loss of their 'right of access' which runs along the eastern extent of the site. However, following the submission of a revised site layout plan, which illustrates an access along the eastern boundary of the site, their objection has been withdrawn.

CONSULTATION

Transportation Section – no objections raised subject to conditions, which require the provision of a turning area and car parking within the curtilage of the site.

Land Reclamation and Engineering – no objections raised, conditions relating to drainage arrangements are recommended.

Dwr Cymru - no objections raised, conditions suggested.

Public Health and Protection – It is commented that part of the site is located within an Air Quality Management Area, and that an earlier application for outline planning permission on the site was refused (12/0638). However, it is commented that the layout of the current scheme places the proposed dwellings outside of the air quality management area; as such the scheme is considered acceptable in this regard and no objections are raised.

Welsh Government Highways – no objections raised as there would be no material increase in traffic on the trunk road network and access would be gained from the County Road Network.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within defined settlement limits.

AW1 sets out the criteria for new housing proposals.

AW2 promotes development in sustainable locations.

AW5 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.

AW10 mitigates against proposals that would prove harmful to amenity through amongst other things, air pollution and noise pollution.

National Guidance

Planning Policy Wales (Edition 8, January 2016) Chapter 3 (Making and Enforcing Planning Decisions), Chapter 8 (Transport) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the 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 Development

As identified above, the site is located within the settlement limits of Pontypridd, in an area, which is characterised by existing residential development. As the plot is considered sufficiently large to accommodate two dwellings and associated amenity and parking spaces, it is considered that the proposal would be compatible with surrounding land uses.

Similarly, planning policy states that residential development on unallocated land within the defined settlement boundary should be supported, subject to criteria. As such, the principle of the development is considered acceptable, subject to an assessment of the impact of the proposed development upon 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. These points are considered in greater detail in the following sections.

Layout and Appearance

It is acknowledged that the current submission represents a re-submission, following the refusal of outline planning permission on the site in 2012. However, the current submission aims to overcome the earlier reasons for refusal. The key difference between the two schemes relates to the number of residential units proposed. The 2012 submission sought to develop 4 dwellings on the site, whereas the current scheme seeks permission for 2. Whilst the dwellings proposed in the current submission are larger in scale, this reduction in numbers has allowed greater

flexibility, in responding to the various site constraints, when designing the layout. Whilst the central area of the site is relatively level, there are variations in ground level at the northern extent of the plot, with the dwellings on Coronation Terrace being at lower level. It is also noted that a number of trees (located in an adjacent highway verge) bound the western and a part of the southern site boundary. The proposed site layout places the dwellings broadly within the centre of the site, allowing the provision of an access to their frontages (parallel with Doddington Place) and private garden areas to the rear (parallel with Coronation Terrace). The parking and turning areas are then located at the east of the site, allowing an existing 'right of access' (that is claimed by certain neighbouring residents) to the rear of properties on Merthyr Road to be retained and incorporated within the scheme.

This layout also responds to the reason for the refusal of the earlier planning application. Following consultation with the Council's Public Health and Protection Section it has been established that a portion of the site lies within an air quality management area. As the earlier scheme proposed a greater number of units on the site, inevitably these were partially located within the air quality management area. The current submission not only reduces the number of units proposed but acknowledges the presence of this air quality management area and places the dwellings themselves outside of this zone. Following a re-consultation exercise, the Council's Public Health & Protection Section have confirmed that they are satisfied that this approach adequately addresses their earlier concerns relating to air quality, and as such the scheme is acceptable and no objections are raised in this regard.

In terms of design, whilst it is acknowledged that the proposed dwellings would be larger than those on neighbouring streets, their design is uncomplicated and well proportioned. Furthermore, there are currently no other properties which immediately front this section of Doddington Place, as such, it is not considered that the proposed development would appear out of keeping with the immediate character of the area.

As mentioned above, the south of the site is bounded by a highway verge, which contains a number of trees. These include a number of goat willows and a sycamore. Whilst these offer some value in terms of visual amenity, the goat willows (which form the majority of the landscaping) are in poor condition and are not worthy of any formal means of protection. Nevertheless, since these are located outside of the application site, the layout illustrates that these may be retained. However, the applicant has also indicated a willingness to plant a hedgerow (hazel, blackthorn, holly and hawthorn) at the site boundary, in order to provide a degree of screening, should the removal of the trees arise in the future. As such, no objections have been raised by the Council's Countryside Section to the scheme.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, no objections have been raised. As identified above, vehicular access would be gained directly off Doddington Place via a private shared access; this would measure 5.0 metres in width and would be positioned where an existing vehicular access is located. The 5.0 metre width is considered safe for the movement of two way vehicle traffic. Furthermore, within the site, the layout

provides a turning area, allowing vehicles to enter and exit the site in forward gear. As such, in terms of access and circulation the proposal is considered acceptable.

In accordance with planning guidance, the proposed development would require a total of 7 no. car parking spaces, 3 per dwelling and 1 visitor space. Having assessed the scheme, the Transportation Section comment that there is space within the site to accommodate this requirement, as such the layout is scheme is considered acceptable in this regard.

Overall, it is considered that the proposal makes provision for safe and satisfactory access, circulation and parking and is therefore considered acceptable in highway safety terms.

Residential Amenity

In terms of the potential impact of the development upon the amenity and privacy of adjacent residents, it is acknowledged that the application site is slightly elevated above the dwellings to the north on Coronation Terrace. However, despite this variation in levels, it is considered that any potential impacts may be adequately managed. Although the dwellings would sit broadly within the centre of the site, they would be separated from the properties on Coronation Terrace by their rear gardens and an access lane. Furthermore, in terms of orientation, they would be slightly off-set from the rear elevations of the dwellings on Coronation Terrace. It is acknowledged that some residents on Coronation Terrace have expressed concern that the design incorporates a 'juliet style' balcony to each dwelling. However, given the ordination of the dwellings and the fact that separation distances of in the region of 50 metres are achievable between the rear elevations of existing and proposed dwellings; it is not considered that the proposal would compromise the levels of amenity or privacy that existing residents enjoy, to such a degree that would warrant the refusal of the application.

It is also considered that any impacts upon the nearest residents on Merthyr Road would be adequately managed. Whilst the means of access would be close to number 211, it must be noted that there is already an access in place in this position, which served the former builders yard. Similarly, the siting of the parking and retention of an access along the east of the site means that the proposed dwellings would be off-set from the rear of the existing properties fronting Merthyr Road by a distance in excess of 20 metres.

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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £17,607.37.

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.

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 1:1250
- Job no. 152/ Drawing no. 05 B (Ground floor & front & rear elevations)
- Job no. 152/ Drawing no. 06 B (First floor plan & side elevations)
- Job no. 152/ Drawing no. 08 A (Garages plan & elevations)
- Job no. 152/ Drawing no. 04 L (Proposed site & outline floor plans v4) and documents received by the Local Planning Authority on 04/11/15, 16/12/15, 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. Access, parking and turning facilities shall be in accordance with the submitted layout plan, Job no. 152/ Drawing no. 04 L dated 16/12/15 and constructed in permanent materials, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation. The parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate access, turning and parking facilities are provided within the curtilage of the site, in the interests of highway safety.

4. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with

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

Reason: In the interests of highway and pedestrian safety and to ensure that mud and debris are not deposited onto the public highway.

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

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users.

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land (and adjacent highway verge) and details of any to be retained together with measures for their protection during the course of development. The scheme shall also include a method statement for the treatment of invasive plant species.

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

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

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

9. Building operations shall not be commenced until samples of the construction materials proposed to be used and details of the boundary

treatments have been submitted to and approved in writing by the Local Planning Authority and all materials used and boundary treatments shall conform to the sample(s) and details 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 .

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

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

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

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

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	15/1075/10	(MF)
APPLICATION NO:		
APPLICANT:	Mr & Mrs N Williamson	
DEVELOPMENT:	Detached 5 bedroom dwelling and detached workshop ancillary to the use of the dwelling (amended plans received 17/11/15).	
LOCATION:	LAND OFF OAKLAND STREET, MOUNTAIN ASH, CF45 3AL	
DATE REGISTERED:	31/07/2015	
ELECTORAL DIVISION:	Penrhiwceiber	

RECOMMENDATION: Approve

REASONS: The principle of residential development at the site is acceptable. Furthermore, the proposed dwelling is considered acceptable in respect of its visual impact and its potential impact upon the amenity and privacy of the neighbouring properties and highway safety.

APPLICATION DETAILS

Full planning permission is sought for the construction of a 5 bedroom detached dwelling on a parcel of land immediately to the east of 9 Oakland Street, Mountain Ash, the site of the former Pysgah Baptist Chapel.

The dwelling would be sited along the western boundary of the site, orientated eastwards with its front elevation facing the adjacent residential street, Victoria Street. It would measure 16 metres in width by 10.1 metres in depth incorporating a pitched roof design to 9 metres in height. The dwelling would be of two storeys but would accommodate 2 bedrooms in the roof space and as such, two dormer windows would be located in the front roof slope. The property would take a contemporary design but would be finished in a mix of natural stone and render to the elevations and slate roof tiles in order to emulate the character of the surrounding dwellings. 3 off-street parking spaces would be located to the front of the dwelling, accessed off Oakland Terrace.

A detached workshop/outbuilding would be located at the south-eastern corner of the site measuring 6.5 metres in width by 5.5 metres in depth with a pitched roof design to 6 metres in height. The applicant has stated the proposed the outbuilding would be used for domestic purposes in association with the main dwelling only.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site is a roughly triangular parcel of land, amounting to approximately 700m². It is located between three terraced streets in a residential area of Mountain Ash, Oakland Street, Bush Road and Victoria Street. The site is currently vacant, apart from a metal storage container at the north-eastern corner (to be removed), but was previously occupied by the Pisgah Baptist Chapel which was demolished in 1995. The general topography of the area rises from east to west and as such, the front of the site, along Victoria Street, is sited a lower level than the rear, along the boundary with 9 Oakland Street. The site is bounded by the highways, Oakland Street, Bush Road and Victoria Street to the north, south and east respectively. The sites western boundary is formed by the side elevation and rear amenity space of 9 Oakland Street which is sited at higher level. The front, rear and southern boundaries of the site are defined by stone walls. The northern boundary along Oakland Street is open.

A footpath crosses the site but is not a Public Right of Way. It previously formed the historic pedestrian access to the former chapel and is the only remains of the earlier use.

The surrounding area is characterised mainly by linear rows of traditional terraced dwellings, however, there numerous standalone larger detached properties throughout the locality.

PLANNING HISTORY

No previous planning applications have been submitted at the site.

PUBLICITY

The application was originally advertised by means of direct neighbour notification and site notices. Three letters of objection were received from residents of neighbouring properties, making the following comments (summarised):

- The proposed dwelling would overlook the adjacent properties and their amenity space.
- The proposed dwelling would overshadow the adjacent property, 9 Oakland Street.
- Oakland Street is already congested with limited parking. The proposed dwelling would increase traffic in the locality and exacerbate this issue.
- Concerns that the proposed workshop would be used for commercial purposes.
- The dwelling would obstruct views from the surrounding properties.
- Would like the footpath through the site to remain following development.

Amended plans were received on 17/11/2015 and the application was subsequently re-advertised. One letter of objection was received from a surrounding neighbour regarding the updated plans, making the following comments (summarised):

- The proposed dwelling will overshadow the adjacent property, 9 Oakland Street.
- The proposed dwelling will directly overlook 9 Oakland Street and its rear amenity space.
- The proposed off-street parking spaces would stop existing residents of Oakland Street parking along that section of the street.

CONSULTATION

Transportation Section – No objection, subject to conditions.

Public Health and Protection – No objection, subject to conditions.

Land Reclamation and Engineering – No objection, subject to conditions.

Countryside, Landscape and Ecology – No objection.

Dwr Cymru Welsh Water – No objection, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW1 – focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

National Guidance

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

Planning Policy Wales: Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport) and Chapter 9 (Housing) 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.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

Full planning permission is sought for the erection of a detached dwelling on this 'infill' plot sited between three residential streets in Mountain Ash. The site is unallocated, situated inside of the defined settlement limits and within an established residential area of the town. As such, it is considered that the development of a dwelling on the site would be compatible with the surrounding land uses. It is also noted that the site was historically occupied by a large building, albeit a chapel rather than a dwelling, for almost 100 years. As such, it is considered the principle of development at the site has already been established.

Consequently, the proposed scheme, in principle, is acceptable, subject to an assessment of the following criteria.

Visual Impact

The application site is located immediately to the east of and opposite existing rows of dwellings along Oakland Street. Therefore, given the position of the site within the street, it is considered that the plot appears as the natural close of the street and its development would not be out of character with the surroundings. It is acknowledged the dwelling would be orientated eastwards, rather towards Oaklands Street which would be preferable, however, given the topography of the site, the amount of engineering works necessary to allow the dwelling to front Oakland Street would be considerable and would result in high walls along the street, being visually obtrusive. Therefore, whilst a number of engineering works would still be required, it is not considered the resulting development would be so prominent as to warrant refusal of the application and the siting and orientation of the dwelling is, on balance, considered acceptable. Further, the dwelling would be positioned towards the rear of the site with adequate space being retained for amenity and parking areas. Therefore, it is not considered that the proposal would lead to an over intensive form of development and will also allow for a degree of landscaping to be retained around the new building to reduce any potential visual impact.

With respect to the dwelling itself, whilst the proposed would be larger than the surrounding properties in the immediate locality and will inevitable form a prominent feature, it is considered to be of an attractive design and scale. It is acknowledged that the south eastern extent of the plot has an open aspect which means that a proportion of the site has a visually exposed position, being visible from areas of Mountain Ash to the south east, however, it is considered that the combination of appropriate external finishes will ensure the dwelling is generally in-keeping with the character of the area and not overly prominent in locality.

Consequently, it is considered that since the site would have a connection with Oakland Street, the proposed dwelling would generally be read in the context of the

existing settlement and its scale and design would not have a significant enough impact upon the character or appearance of the immediate site or its wider setting to warrant refusal of the application. Therefore, on balance, the application is considered acceptable in this regard.

Residential Amenity

It is proposed that 5 windows be sited within the proposed dwellings rear elevation at first floor level, 2 serving bathrooms, 1 a wardrobe and 2 serving a bedroom. It is noted that the objectors have commented that these windows would overlook the surrounding properties, however, given the relationship of the proposed dwelling with the adjacent property, 9 Oakland Street, it is considered that only the 3 windows not serving habitable rooms would have the potential to overlook the adjacent property and its rear amenity space and the applicant has proposed these windows be obscured. The 2 windows serving the bedroom would be located adjacent to the side elevation of 9 Oakland Street which is a blank elevation with no windows, as such, it is not considered these windows would lead to a significant amount of overlooking. Further, it is considered the difference in ground levels between the application site and the adjacent dwelling, the finished floor level of the proposed dwelling being almost 2 metres lower than that of no. 9, would ensure any potential impact is not significant enough to warrant refusal of the application. It is however considered a condition should be added to any consent to ensure the 3 windows are obscured and remain as such thereafter to protect the amenities of the adjacent neighbour.

With respect to potential overbearing and overshadowing impact noted by the objectors, as the proposed dwelling would be slightly off set and separated from the adjacent neighbour by approximately 9 metres, and the fact that 9 Oakland Street is sited at higher ground level than the application site, it is not considered that a harmful loss of light or significant overbearing impact would likely arise as a result of the scheme.

Further objections have been raised with regard to the potential commercial use of workshop resulting in increased traffic movements and noise and disturbance. Members are advised that the applicant has detailed the workshop is proposed for domestic use only and if permission were to be granted, a condition requiring the outbuilding is only used for domestic use ancillary to the main dwelling could be attached to any consent to ensure this is the case.

Whilst it is acknowledged that the adjoining residents' loss of view across the existing undeveloped site is regrettable, this factor does not represent a material planning consideration and as such cannot be taken into account in the determination of the planning application.

Subsequently, having considered the relationship between the proposed dwelling and the existing properties, whilst it is acknowledged a degree of impact will inevitably occur, on balance, it is not considered the potential impact would be significant enough to warrant refusal of the application.

Highway Safety

Following the neighbour consultation process, a number of concerns were raised by the occupiers of the surrounding properties in respect of highway safety. However, no objections have been received from the Council's Transportation Section in this respect, subject to a number of standard conditions being attached to any consent.

The Transportation Section commented that there is some concern that the visibility from the existing residential streets is sub-standard for a 30Mph speed limit which requires a visibility splay of 2.4m x 40m in accordance with TAN 18. The achievable visibility from Oakland Street to Victoria Street is 2.4m x 17m left and 2.4m x 13m right. The visibility from Victoria Street to Bush Road is 2.4m x 9m left and 2.4m x 40m right. There is concern that the visibility splays are well below the standard for a 30Mph speed limit, however, taking into account that the proposal is for one dwelling which will only slightly increase vehicular movements in comparison to that which already occur and it is anticipated that vehicular speeds would be below 30Mph due to the built up nature of the terraced streets and road geometry, on balance, the proposal is acceptable in this respect.

With respect to parking, the proposed dwelling requires up-to a maximum of 3 off-street spaces in accordance with the SPG Access, Circulation & Parking 2011 with 3 provided. Therefore, whilst it is acknowledged that the installation of the off-street parking spaces will stop people parking on the street outside the site, it is considered that Oakland Street is large enough to cope with the loss of 2/3 on-street parking spaces and there would be no undue impact in this respect.

Consequently, whilst there is some concern with regards the sub-standard visibility on the existing highway network, taking into account the limited additional traffic generated by the proposed dwelling and the fact that vehicular speeds are relatively slow in the vicinity and this arrangement is typical of valley streets in the locality, on balance, the proposal is acceptable in respect of its potential impact upon highway safety, subject to the conditions detailed below.

Other Issues

A neighbour has commented that they would like the footpath through the site to remain following the sites development as it is regularly used by local residents. The path however is not a formal Public Right of Way but simply the only remains of the previous chapel building. Therefore its use cannot be controlled and is only accessible currently as the landowner has not enclosed the site.

It is also noted that consultation has been undertaken with the Council's Land Reclamation and Engineering and Countryside, Landscape and Ecology Sections with a view to assessing any potential impact upon land drainage and ecology respectively. Their responses raise no objection to the planning application subject to standard conditions and advice. Further, no adverse comments have been raised by Dwr Cymru Welsh Water.

Community Infrastructure Levy Liability

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

The application is for development of a kind that is 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

It is not considered the proposed dwelling would have a significant impact upon the character and appearance of the locality or the amenity and privacy standards currently enjoyed by the surrounding properties. Furthermore, following consultation with the Council's Transportation Section, it has been established that it would be possible to form a vehicular access to the plot from Oakland Street without resulting in an adverse impact upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. Site Location Plan, Site Block Plan, 01A, 02B, 03, 04A and 05 and documents received by the Local Planning Authority on 31/07/15 and 17/11/15, 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. 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. 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 in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until samples of the construction 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 commence until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. Prior to the first beneficial use of the building hereby permitted the drainage works shall be carried out in accordance with the approved details.

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. Notwithstanding the submitted details, no development shall commence until full details (including external finishes, heights and exact siting) and design/structural calculations of any proposed retaining wall structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety, and in the interests of visual amenity in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows 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 in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan 05 and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles only thereafter unless agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of highway safety and to prevent damage to the public highway and utility services. in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the dwelling, hereby permitted, being brought into occupation, the first floor bathroom, en-suite and wardrobe windows in the western rear elevation shall be glazed with obscure glass details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The window shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

11. The workshop, hereby approved, shall be used for purposes ancillary and incidental to the use of the dwelling and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling and no trade or business shall be carried out therein.

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

12. The street name plate located within the plot shall be relocated in a position to be agreed in writing by the Local Planning Authority prior to any works commencing on site.

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

13. Surface water run-off from the proposed parking area shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

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

14. HGV's deliveries used as part of the development shall be restricted to 09:00am and 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

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APPLICATION NO:	15/1259/10	(BJW)
APPLICANT:	Mr Qureshi	
DEVELOPMENT:	Construction of three, 3-bedroomed terraced houses.	
LOCATION:	BRYN HENLLAN, BLAENRHONDDA, TREORCHY, CF42 5SY	
DATE REGISTERED:	07/10/2015	
ELECTORAL DIVISION:	Treherbert	

RECOMMENDATION: Approve.

REASONS:

The proposal is considered to be an appropriate form of infill development that would be in keeping with the character and appearance of the area, would make a more productive use of the site and would not have a detrimental impact on the amenity of neighbouring properties or highway safety.

APPLICATION DETAILS

Full planning permission is sought for the erection of three 3-bedroomed terraced houses on a land at Bryn Henllan, Blaenrhondda, Treorchy, CF42 5SY.

The site is a sloping area of open land located off the main estate distributor road. The site is bounded by the pedestrian footway and vehicular highway to the southern boundary; footpaths to the east and west boundaries and a fence and several trees to the northern (rear) boundary.

The proposal is for a link of three terraced houses on the site with access and parking off the main estate distributor road and garden amenity areas to the rear. Due to the sloping nature of the site, the dwellings would measure a maximum width of 6.4m a height of 5m to eaves and 7.6m to ridge at the front elevation (although this would also be 1.1m below the level of the adjacent pavement) and 7.8m to eaves and 9.15m to ridge as viewed from the rear of the site. The building would be constructed from rendered block work walls with concrete interlocking tiles while the gardens would be bounded by a close boarded fence. Accommodation would be arranged over three split level floors.

The forecourt approach to the front of the properties would cater for 2 vehicles to be parked off-road. There would be a stepped pedestrian access point to plot 2 (the middle plot) while access to plots 1 and 3 would be from a side gate off the existing paths either side of the site.

The application has been subject to negotiations with the Transportation Section to address concerns regarding the layout. The negotiations have led to the dwellings

being set back a further 900mm to take into account the existing high on-street parking demand which narrows the reversing width from the plots onto Bryn Henllan.

The application is accompanied by a Design and Access Statement (DAS) in support of the application. The DAS states that the development would accord with national planning policy objectives and those within the Local Development Plan. Additionally, it is stated that the development would be sympathetic to existing neighbouring properties and would not cause any detriment to their amenities or highway safety considerations.

SITE APPRAISAL

The site is an irregularly shaped piece of land located off a main estate distributor road in the residential housing estate of Bryn Henllan. The land is accessed directly off the main road through the estate; it slopes down approximately 4m from its southern boundary to the northern (rear) extent of the site; is open in aspect with a well established grass covering and is bounded on its eastern and western boundaries by existing footpaths and to the north by a steel, park fence with mature trees beyond.

The land is at the same level as immediately adjacent dwellings to the west of the site and at a lower level than properties located opposite to the south which are set above the level of the highway.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. 34 identical letters of objection have been received raising the following issues:

1. The construction activities will close off the walkway or make its use extremely dangerous. The walkway is used by residents on a daily basis to access various amenities in the surrounding area.
2. The roof will be higher than existing adjacent properties (No. 5) and would look out of place.
3. The rear of site would not be screened all year round as the trees are not evergreen.
4. The existing road is narrow and residents already have problems parking. The off road parking for the new dwellings would be difficult to access due to the number of vehicles already parking on this road.
5. The road is also the main bus route which most of the residents rely on especially in the inclement weather.
6. The plans show a gate onto the walkway which could impede access.
7. There are already several empty properties on the estate and in the neighbouring village of Blaenrhondda.

8. Town houses will not be conducive to the existing houses in and around the proposed area.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Land Reclamation and Engineering – no objection, subject to conditions.

Public Health and Protection – no objection, subject to a condition to restrict the hours of work during the construction phase of the development and informative notes.

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

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

Wales and West Utilities – has confirmed it has pipes within the area which may be affected and be at risk during construction works. Should the planning application be approved the promoter of the works should contact Wales and West Utilities directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

Countryside, Landscape and Ecology - From the layout plans the 'canopy spreads' of the trees at the rear of the site would not extend into the developable area of this site, although they are likely to extend into the lower parts of the back gardens – as would root zones. Looking at the layouts and the cross sections it appears that if care is taken the site could be developed without damaging Council owned Park's trees. However, a condition is suggested for tree protection measures to be agreed and implemented on site to ensure that root zones are not affected by construction activities.

POLICY CONTEXT

The site is within the settlement boundary and unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

Policy AW1 - sets out criteria for the supply of new housing.

Policy AW2 – states that development proposals will only be supported in sustainable locations. Sustainable locations are defined in the Policy and include sites that accord with Policy NSA12 and have good accessibility to a range of sustainable transport options, key services and facilities.

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 - only permits development where it would not cause harm to features of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

National Guidance

Planning Policy Wales (Edition 8, January 2016)

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 9 (housing)

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 development site is within the defined settlement boundary where development is considered to be acceptable subject to compliance with other policies in the Local Development Plan.

It is considered that the proposed dwellings could be accommodated at the site without leading to over development and that the proposal would make a productive use of the land that would be in keeping with surrounding land uses. Additionally, the proposal would not have an adverse impact on the amenities of neighbouring properties, the visual amenity of the area or highway safety considerations.

Consequently, it is considered that the principle of the development for 3 dwellings would be acceptable.

Character and Appearance of the area

The area is predominantly characterised by link and semi-detached former local authority properties in residential use.

The proposed dwellings would form a modest addition to the immediate area of the existing housing estate. The design would be in keeping with existing properties and it is considered that the scale of the proposed dwellings would be sympathetic to the surrounding area and would make use of the existing topography of the site.

The proposed dwellings would not be an unduly prominent inclusion within the area it is considered that they would be adequately screened and neither jarring or incongruous and would sit fairly comfortably within their setting.

Consequently, the proposal is considered to be acceptable in this respect.

Impact on amenities of neighbouring properties

The immediate area is characterised by an estate of link and semi detached dwellings that were possibly Local Authority social housing stock from the 1960's - 1980's. Properties are exclusively two storey in height and arranged either above or below the main estate distributor road depending on the topography of their position.

The site is located to the north and west of existing dwellings within the estate and is at the same level as those properties to the east of the site and lower than those to the south. It is considered that due to its height and relationship with existing properties within the area that the proposed dwellings would not have a detrimental impact in terms of a loss of privacy and amenity. Additionally, the dwellings would be of height and scale that would be sympathetic to neighbouring properties and would not have an overbearing impact on them.

The objections raised by respondents are acknowledged and are addressed later within the report.

Highway safety

The Council's Transportation Section has raised no objection to the application, subject to conditions.

This view acknowledges that the proposed dwellings would be accessed off Bryn Henllan and would be a continuation of the existing terraced street. Bryn Henllan has a carriageway width of 5.1m - 5.2m with footways which vary between 2.0m - 2.1m which are acceptable to serve the proposed development. There are limited off-street car parking facilities within the residential estate which in turn results in on-street car parking demand to the detriment of safety of all highway users and free flow of traffic.

The residential streets leading to the proposed development are typical of valley streets which are oversubscribed with on-street car parking narrowing available widths of carriageway and impacting on visibility splays. However, given the limited

extra traffic generated by the proposed 3 dwellings this would not warrant an objection.

There is an adopted footway to the east of the plot which gives access to the lower road and an un-adopted footway to the west which gives access to the playing fields. Both footways have pedestrian handrails. The adopted footway has handrails in the tarmac surface and the un-adopted footway has handrails in the verge. It appears that the handrail located adjacent to the un-adopted footway is now within the application plot and therefore details would be required of the new handrail to be installed within the footway with a break for pedestrian access into plot 1.

In terms of parking, the proposal provides for two off-street spaces per plot which, given the relatively small scale of the dwellings, is acceptable.

The developer has set the dwellings back by some 900mm to take into account the existing high on-street parking demand which narrows the reversing width from the plots onto Bryn Henllan which is acceptable and overcomes the previous concerns.

Consequently, subject to the suggested conditions, it is considered that the proposal would not be detrimental to issues of highway safety and therefore acceptable in this regard.

Other issues

The objections received as part of the consultation exercise are acknowledged and the following comments are offered:

1. While the construction activities could have a temporary impact on the use of the existing walkways this would cease to be the case on completion of the ground works at the site. Additionally, any impact could be reduced to a minimum with careful and considerate site management.
2. The roof height of the proposal is only marginally higher (400mm) than the existing properties to the west of the site and would be considerably lower than those properties to the south of the site. It is not considered that this minor increase in height would be visually overbearing or detrimental to the character and appearance of the area.
3. It is considered that the existing boundary features of the park fence, established trees and proposed close boarded fencing would adequately and sufficiently screen the site.
4. The proposed highway layout and parking areas have been assessed by the Council's Transportation Section and are considered to be acceptable. This view has taken into account the existing levels of on street parking demand and has led to modifications to the scheme to increase manoeuvring space to allow vehicles greater room to access and egress the site.

5. It is not considered that the proposed development would hinder or impede bus routes within the area.
6. The gate entrances to plots 1 and 3 could have an impact on the use of existing paths within the area. However, this issue could be addressed with an appropriately worded condition restricting the gates to be inward opening only.
7. The number of empty properties within the area is a matter for market forces and is not a material consideration relevant to the determination of this application.
8. The proposed dwellings would have a traditional 2 storey front facade similar to existing properties within the area. There is an increase to a 3 storey aspect at the rear of the site however this is as a result of the topography of the site and is a common arrangement of traditional terraced properties within the area.

Additionally, whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is not considered necessary to include the suggested condition to restrict the hours of work during construction and an appropriate note can be added to any permission concerning waste and dust issues.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is 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 proposal would be consistent with the residential use, character and appearance of the surrounding area and would not be detrimental to the amenity of neighbouring properties or highway safety considerations.

Consequently, the development is considered to be acceptable.

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
 - Proposed Plans, Drawing No. 1509.PL01, Dated 14/09/15
 - Proposed Elevations/Section, Drawing No. 1509.PL02A, Dated 16/11/15
 - Proposed Site Plan, Drawing No. 1509.PL03A, Dated 16/11/15

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

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

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

4. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all 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.

6. Notwithstanding the approved plans the gate entrances to Plot 1 and Plot 3 shall be fitted to be inward opening only and retained as such in perpetuity.

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

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

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

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

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

9. Before the development is brought into use the means of access, together with parking facilities, shall be laid out in accordance with submitted plan 1509.PL03A and approved 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.

10. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the relocated pedestrian hand rail adjacent to plot 1 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

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

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

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

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to the commencement of development, details of wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and to ensure that mud and debris are not deposited onto the public highway in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

	15/1346/10	(CHJ)
APPLICATION NO:		
APPLICANT:	Enviroparks (Wales) Limited	
DEVELOPMENT:	Erection of a building measuring 2,368.47 square metres to enclose apparatus of consented gasifier unit (under planning permissions BBNPA 08/02488/FUL and RCT 08/1735/10) on the Enviroparks Hirwaun site to form an extension and continuation to the consented Fuel Preparation Area Building. Landscaping and external gasifier plant equipment.	
LOCATION:	FIFTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE, CF44 9UN	
DATE REGISTERED:	12/10/2015	
ELECTORAL DIVISION:	Rhigos	

RECOMMENDATION: Grant

Reasons:

The proposed development is within the consented Enviroparks site at Hirwaun Industrial Estate. The Enviroparks Site has established the principle of a sustainable waste resource recovery and energy production park. The proposed building would form an extension to the consented FPA building within the Enviroparks Site. The proposed building would enclose the consented gasification apparatus, improving the visual containment of this element of the Site.

The proposal is in accordance with Policy CS 9 which allocates Hirwaun Industrial Estate as able to accommodate a range of waste management options and all other relevant Local Plan and national planning policies.

SITE APPRAISAL AND APPLICATION DETAILS

This application is for the erection of a building on the consented Enviroparks site at Hirwaun Industrial Estate to enclose consented gasification apparatus equipment. The proposed Gasifier Building would form a contiguous extension of the consented Fuel Preparation Area (FPA) building, in an identical architectural finish. The gasifier equipment and FPA building were consented under planning permission 08/1735/10 in December 2010 as part of the Enviroparks scheme for the development of a sustainable waste recovery and energy production park.

Approximately a third of the Enviroparks site is in RCT, with the remainder lying within Brecon Beacons National Park Authority (BBNPA).

Construction of Phase I of the consented Enviroparks scheme has commenced. The applicant has made submissions in respect of small amendments to Phase II of the scheme. The proposed amendments, under the heading of the different consenting routes, are summarised below:

Full planning permission:

- Erection of the a Gasifier Building through the extension of the Fuel Preparation Building to enclose external gasification plant and machinery, with the western section of the green wall retained.

Variation of condition application:

- Reconfiguration of anaerobic digestion tanks
- Minor relocation of the Pyrolysis Building and an increase in height to match the adjacent Fuel Preparation Building
- Increase in height of the Engine House to match the adjacent Fuel Preparation Building

Non-material amendment application:

- Minor changes to the elevational treatment of the western wing of the Fuel Preparation Area (FPA) Building to match approved changes to the elevational treatment of the main section of the same building, currently under construction as a part of Phase I of the development.
- The minor changes to the elevations of the FPA Building would allow the proposed Gasifier Building to integrate as a continuous extension of the FPA Building. This would mean there is no visible differentiation between the consented FPA Building when extended by the addition of the Gasifier Building to the west wing.

This report considers the new planning application for the Gasifier Building only.

This proposal is for a building to enclose the consented gasifier equipment which, under the current proposals, would be located to the west of the consented Fuel Preparation Area (FPA) building. Under the current Enviroparks consent, the gasifier equipment would all be located outside in an external yard. The proposed Gasifier Building application does not seek any amendments to the consented gasification equipment. The Gasifier Building would only cover the consented gasifier equipment by way of a new building. For the avoidance of doubt, the processes on the site, inputs and outputs would all remain as consented for in the original Enviroparks scheme under planning permission 08/1735/10.

The Gasifier Building has been designed to blend seamlessly onto the consented FPA building, onto which it would join. The Gasifier Building would form a contiguous extension to the FPA building with the gasifier building's height, scale, massing and elevational treatment all the same as the consented FPA building.

The approved Enviroparks scheme includes a green wall along part of the Fifth Avenue frontage of the site to screen the external gasifier equipment. As the proposed Gasifier Building would conceal the gasifier equipment and form an extension of the south elevation of the FPA building, it is proposed that the length of the green wall is reduced, so that it only encloses the remaining external yard at the south-west corner of the site. This will also assist in containing views from Fifth Avenue of the AD tanks behind.

As noted, the Gasifier Building would follow the same elevational treatment as the FPA building, including a high-level band of cedar boarding and horizontal trapezoidal composite cladding. These architectural details would ensure the Gasifier Building appears as a seamless extension to the consented FPA building.

The consented boundary landscape treatment, habitat connectivity, biodiversity, and water and waste management approach would not be affected by the proposed Gasifier Building. The consented Enviroparks scheme's extensive planting and landscape works on the site boundaries would otherwise be unaffected by the current proposals. The project is fundamentally sustainable given its purpose as a centre for the advanced recovery of material resources and energy from the waste stream and the generation of renewable energy in the form of electricity and heat.

The proposed Gasifier Building would thus present a coherent elevational treatment to the Fifth Avenue frontage, from where the site will most often be viewed.

Access and movement to and within the site would remain unchanged from the consented scheme for the overall Enviroparks development.

In accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the original planning applications for Enviroparks Hirwaun (references 08/1735/10 (RCT) and 08/02488/FUL (BBNPA)) were accompanied by an environmental statement ('the 2008 ES'). Further environmental information was presented to the Council in May 2009 ('the 2009 FEI'). The proposals received planning permission in December 2010.

Because the Enviroparks Hirwaun project constitutes an EIA development for the purposes of the 1999 Regulations, the applicant reviewed the current Gasifier Building proposals to see if they would give rise to any significant changes in the environmental effects of the overall development, thus necessitating further assessment of the environmental impacts. The applicant considered the scheme amendments and additions, including the proposed Gasifier Building, individually and cumulatively.

The Environmental Information reviewed the proposed Gasifier Building against the assessment topics in the 2008 ES and 2009 FEI for the Enviroparks project. The following was considered:

Community effects: The assessment of socio-economic effects in chapter seven of the 2007 ES requires no amendment in the light of the current proposals. In particular, the proposals would not result in any change to the estimated level of employment at the Enviroparks site or the level of socio-economic benefits arising from this.

Transport and Access: The current proposals would not result in any significant variation to the construction and operational traffic profiles employed in the 2008 ES or the Road safety Audit in chapter six of the 2009 FEI.

Air quality: The current proposals would not result in any variation to the atmospheric emissions assessed in chapter eight of the 2008 ES or chapter one of the 2009 FEI. As before, all emissions will be through the main ventilation stack, the location and height of which is unchanged.

Noise and vibration: Construction noise would not differ materially from that associated with an open gasifier yard and green wall as currently consented. The proposed building would enable fit-out to be completed in an enclosed space with superior noise attenuation properties. Enclosure of the gasifier units by the proposed building would reduce the level of external operational noise associated with the operation and maintenance of this equipment.

Ground conditions, drainage and flood risk: The gasification yard as consented would have a solid impermeable floor surface to prevent pollution to the ground. This would be retained under the current proposals. Rainwater run-off from the roof of the building now proposed would be directed to storage for on-site re-use in common with the established arrangements for other buildings on the site.

No change in flood risk is anticipated from the current proposals.

Ecology: The Gasifier Building would reduce the length of the proposed green wall inside the south-western boundary of the site. However, the primary purpose of the green wall is to provide visual containment rather than new wildlife habitat, and areas of the site identified for soft landscape and habitat enhancement would be unaffected.

Archaeology and cultural heritage: The proposed building would have no effect on the physical integrity of local cultural heritage assets or their settings.

For all of the above assessment topics, the review of the application against the assessment in the 2008 ES and 2009 FEI has concluded that the significance of the proposed change produced by the Gasifier Building would be negligible.

Landscape and visual effects: The proposed Gasifier Building would seamlessly extend the elevational treatment of the Fuel Preparation Building further to the west along Fifth Avenue. The green wall that screens the gasifier yard in the approved scheme would be shortened commensurately but retained at its western end. There would be slight visibility of the extended roofline in elevated views from the north, including from the edge of the Penderyn reservoir and more distant views from the hill to the north. This would be seen against a backcloth of existing industrial buildings further to the south.

The applicant reviewed the findings of the landscape and visual effects of the Enviroparks project against the proposed Gasifier Building to determine whether the Gasifier Building would change the conclusions of the original assessment. The conclusion of the review is that the findings of the LVIA would be the same for the original, consented, scheme and the Gasifier Building now proposed. The proposed Gasification Building would be visible in external views, notably from Fifth Avenue. However, its presence would not change the assessment of visual effects in the environs of the site (2008 ES viewpoint area 01). The 2008 ES stated that:

The construction activities and proposed development would benefit from the high level of visual containment that already exists due to the large areas of planting within this lower part of the valley. The most significant effect on views would be those from Fifth Avenue and Ninth Avenue, where much of the view towards the lower slopes of the National Park are likely to be obscured by the development, altering the context of the view. Elsewhere, while much of the main part of the development is likely to be screened from views, the upper parts of the proposed 40m stack may be visible from some areas where much of the remainder of the development may not be, such as from properties to the west of the site, and glimpses from roads to the south and east.

In summary, the landscape and visual effects of the proposed amendments would be just as assessed in the 2008 ES. On this basis, the proposed Gasifier Building did not generate a need for further environmental information.

SITE APPRAISAL

The footprint of the proposed Gasification Building forming an extension to the consented FPA building is 2,368 square metres. The total area of the Gasifier Building application site is approximately 0.897 hectares, although the total overall

site area of the consented Enviroparks development is 8.54 hectares, including land in BBNPA's area.

The planning application site lies within the consented Enviroparks site on Fifth Avenue in Hirwaun Industrial Estate, to the north of the A465 'Heads of the Valley' east-west trunk road, and close to its junction with the A4059 / A4061 north-south route between Brecon and the Rhondda Valley. Road access to the Enviroparks site is gained from the A465 (T) Heads of the Valley road via the A4061 Rhigos Road, which leads onto Fifth Avenue. The Enviroparks site has existing road accesses from Fifth Avenue to the south and Ninth Avenue to the east.

The Enviroparks site is located in an area of varied terrain. Whereas the Hirwaun Industrial Estate occupies a generally level area of land, the land rises gently to the south and east, and more steeply to the east and north. Established land uses in the locality are also diverse, with a variety of manufacturing, storage and waste reclamation activities taking place on the industrial estate itself, and with a large area to the south-east of the industrial estate occupied by the workings of Tower Colliery, a deep pit coal mine that closed in 2008 but began opencast coal extraction on the surface workings of the former colliery site in 2012. Across Ninth Avenue from the Enviroparks site stands a large industrial complex operated by Eden Industries. The area to the north and west of the Enviroparks site is more rural in character, comprising woodlands and well-defined fields used for pasture.

Water storage, transfer and treatment facilities are a notable feature of the locality. Immediately to the north of the Enviroparks site is the Penderyn reservoir, a lake formed by high artificial embankments. The reservoir is used for fishing by the Mountain Ash Fly Fishing Association (MAFFA). In addition to the reservoir there are operational pumping station and treatment facilities at the northern end of Ninth Avenue and on both sides of Fifth Avenue to the south-west of the site.

The boundaries of the Enviroparks site are clearly defined on the ground, comprising Fifth Avenue to the south, Ninth Avenue to the east, a woodland screen below the reservoir embankment to the north, and wooded hedgerows on the western side. A stream on the western side of the site flows into the River Camnant nearby.

The Enviroparks site and application site is roughly rectangular in shape. In general the land comprises flat grassland with scrub vegetation. The site is classified as previously developed land, and ground investigations have identified made-up ground overlying the natural geology. The Enviroparks site has a well-defined network of drainage ditches in a regular herringbone pattern. It is understood that the site was prepared for development by the former Welsh Development Agency approximately fifteen years ago. During the Second World War the site was used in association with a factory that made brass shell and bullet cases for munitions.

The nearest large settlements in the area are Merthyr Tydfil 11 km to the east, and Aberdare, 7 km to the south-east. Local settlements include Hirwaun, 2 km to the south-east of the site, the village of Penderyn 2 km to the north-north-east, and Rhigos, which lies 1.7 km to the south-west of the application site. There are isolated smaller dwellings closer to the site, and two hotels.

PLANNING HISTORY (relevant but on adjoining land)

08/1735/10	Development of a sustainable waste resource recovery and energy production park (Additional information received 13/05/09).	Granted	21/12/2010
15/1226/39	Application for non-material change to planning permission to include the following elevation plan as an approved plan attached to planning permission 08/1735/10.	Approved	08/10/2015
15/1227/39	To include the following elevation plan as an approved plan attached to planning permission 08/1735/10: Gatehouse Floor Plan, Section and Elevations (LPA Plan Ref: NP15v1, Drawing Ref: 8016 PL 020) with new elevation plans: Gatehouse Building, Proposed Elevations (Drawing Ref: 10438 2010 Rev B). Gatehouse Building Proposed Ground Floor Plan & Roof Plan (Drawing Ref: 10438 2010 Rev B). Gatehouse Building Model Views (Drawing Ref: 10438 4100). To allow small amendments to the consented building.	Approved	08/10/2015

CONSULTATION

Transportation Section – No objections.

Land Reclamation and Engineering Section – No objections.

Public Health and Protection Section – No objections.

Countryside, Landscape and Ecology – No objections.

Natural Resources Wales (NRW) – no objection.

Welsh Water – No objection but identify location of apparatus in the area and the need to protect any way-leaves..

Neath Port Talbot County Borough Council – No Objections.

Brecon Beacons National Park Authority – No objections.

PUBLICITY

The application has been advertised through the use of direct neighbour notification letters, the erection of site notices and via a press notice.

No **objections** have been received.

POLICY CONTEXT

Section 54A of the Town and Country Planning Act 1990 (as amended) has now been superseded by Section 38 of the Planning and Compulsory Purchase Act 2004 which restates the fundamental principle of the planning process that all applications are determined in accordance with the development plan in force for the area unless material considerations indicate otherwise.

In addition to the development plan policies, other material consideration is contained within Planning Policy Wales and Technical Advice Notes (TANs).

This section deals with the principal policies to be taken into account when considering this application.

The principal policies in the foregoing publications are reproduced (or summarised as appropriate) below for Committee's consideration.

Rhondda Cynon Taf Local Development Plan

Paragraph 4.19 states, *'The strategy seeks to mitigate and adapt to the impacts of climate change by ensuring the efficient use of resources, supporting renewable energy resources, protecting biodiversity, managing waste effectively, promoting development in accessible locations, focusing new housing away from areas of flood risk and improving energy efficiency in the design of new buildings. Equally important is the need to protect the countryside and unique landscape of Rhondda Cynon Taf from urbanisation and incremental loss'*.

Policy CS1 confirms that in respect of the Northern Strategy Area the emphasis will be on building strong sustainable communities. The policy lists nine ways that this will be achieved. These include as (3) ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings (6) encouraging a strong, diverse economy which supports traditional employment and promotes new forms of employment in the leisure and tourism sectors and (7) protecting the cultural identity of the Strategy Area by protecting historic built heritage and the natural environment.

Policy CS9: confirms that Hirwaun Industrial Estate is *'able to accommodate a range of waste management options, including recycling and composting, at a regional level'*.

Paragraph 4.80 states, *'Existing and allocated B2 employment sites are also considered appropriate locations for new waste facilities to accommodate the range and size of facility types identified within the RWP.'*

Policy NSA14: specifically relates to this site called *'North of Fifth Avenue, Hirwaun Industrial Estate, Hirwaun'* as part of the Northern Strategy Area as an area for

'employment development on non-Strategic Sites'. The site is allocated for B2 (general industrial) and B8 (storage or distribution) use.

Paragraph 6.63 confirms the application site *'is in close proximity to the Blaen Cynon SAC. Any proposals will be subject to assessment under Regulation 48 of the Habitats Regulations'*.

Policy AW5 gives general criteria for new development, including the effect of development on a site and surrounding area (criteria 1a.), the impact upon the amenities of neighbouring occupiers (criteria 1c), and compatibility with other uses in the locality (criteria 1d).

Policy AW6 supports development proposals which are a high standard of design, appropriate to the local context, and where extensions to buildings are proposed they reflect the form, materials, details and character of the original building.

Policy AW8 seeks to protect the natural heritage of the plan area by only permitting development which will not unacceptably impact on features of importance to landscape or nature conservation (SINC).

Policy AW10 does not permit development proposals that would cause or result in an unacceptable risk of harm to health and/or local amenity because of issues such as noise, air, light and water pollution.

Policy AW12 permits the development of renewable and non-renewable energy schemes such as energy from biomass and anaerobic digestion, where it can be demonstrated that there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage and landscape importance, public health and residential amenity. Development proposals should be designed to minimise resource use during construction, operation and maintenance.

Planning Policy Wales (Edition 8, January 2016)

Paragraph 1.1.1 of Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs).

Paragraph 1.2.1 of PPW clarifies that the planning system manages the development and use of land in the public interest contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development.

Paragraph 1.4.4 of PPW states that the Welsh Government is required to make a contribution to the International, EU and UK targets for greenhouse gas emission reduction. It also clarifies that the planning system will play an important role in tackling climate change and reducing greenhouse gas emissions.

Paragraph 3.1.2 of PPW states that *'in line with the presumption in favour of sustainable development'* applications for planning permission *'should be determined in accordance with the approved or adopted plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies'*.

PPW Paragraph 3.1.8 states that *'when determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits'*.

Sections 3.6 and 3.7 give general advice on the use of planning conditions and planning obligations.

Paragraph 4.1.5 of PPW advises that the Welsh Government has a 'vision of sustainable development as a process of development that leads over time to a Wales that is economically, socially and environmentally sustainable (the process that leads to Wales becoming a sustainable nation)'.

Paragraph 4.2.2 of PPW states that *'the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when: preparing a development plan; and in taking decisions on individual planning applications'*.

At paragraph 4.3.1 in PPW, it is identified that tackling climate change is one of a number of principles in underpinning the Welsh Government's approach to its planning policy for sustainable development.

Paragraph 4.4.3 of PPW advises that planning policies, decisions and proposals should, amongst other requirements, support and facilitate development that provides for renewable and low carbon energy sources at all scales.

Chapter 5 sets out the Welsh Government's position in seeking to conserve and improve natural heritage and the coast.

Paragraph 5.5.2 of PPW advises that when considering development proposals, local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment.

Chapter 6 sets out the Welsh Government's position to conserving the historic environment of Wales.

Paragraph 7.2.2 confirms that *'local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and*

that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.'

Chapter 12 of PPW sets down the Welsh Government's position in respect of Infrastructure and Services and Section 12.8 within deals specifically with Renewable & Low Carbon Energy.

Paragraph 12.8.2 of PPW sets out that planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy.

Paragraph 12.8.6 states that *'the Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.'*

Paragraph 12.8.7 of PPW confirms, for the purposes of planning policy that the term 'renewable energy' includes biomass.

Paragraph 12.8.8 of PPW states that the Welsh Government is committed to using the planning system to optimise renewable and low carbon energy production, and facilitate combined heat and power systems (and combined cooling, heat and power) where feasible.

PPW Paragraph 12.8.14 advises that *'an integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure'.*

Technical Advice Note 8: Planning for Renewable Energy – July 2005.

This TAN relates to the land use planning considerations of renewable energy, however, UK and national energy policy provide its context. It covers all aspects of renewable energy and therefore not all of it is of direct relevance to the consideration of this application. TAN 8 supports energy recovery technologies including anaerobic digestion and combined heat and power.

In addition to TAN 8 it is considered that the following TANS are of relevance.

TAN 12: Design (July 2014)

TAN 21: Waste (February 2014)

TAN 12: Design

Paragraph 5.12.2 of Tan 12 comments that *‘Large new employment buildings can often make a bold statement of their purpose. Recognising the functionality of business premises is important to ensure they contribute to the economic success of the occupier. However, robust design, high quality materials, flexibility of exterior and interior layout and appropriate landscape treatment such as earth form or planting, can help to integrate new business premises into their surroundings, minimise the need to artificially cool buildings and allow for easier conversion by successive occupiers’.*

TAN21: Waste

TAN 21 promotes, amongst other things, a waste hierarchy, the proximity principle and self sufficiency in waste development. It supports materials recovery and recycling facilities, energy recovery and combined heat and power systems. TAN 21 echoes the general concern that the landscape and scenic value of national parks should be strongly protected.

Section 8.3 of Annex C of Tan 21 comments that suitable proposals for waste facilities are not preclude if located within the boundaries of National Parks and other similar designated areas, provided that they are appropriately designed.

Wales Spatial Plan (2008 Update)

This document builds on the originally adopted 2004 Plan. The Wales Spatial Plan is important to the Welsh Government as it helps deliver the priorities set out in ‘One Wales’. The WSP is the overarching framework and integrative tool for Wales and provides an important underpinning in a whole range of matters, including reducing annual greenhouse gas emissions.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the planning application for the Gasifier Building at the Enviroparks site should be determined in accordance with the provisions of the Development Plan unless material considerations dictate otherwise.

This section of the report identifies the relevant development plan policies for the purposes of S38 (6) and discusses the other policy and material considerations which apply to this development. It then provides an assessment of the proposal against the Development Plan policies and material considerations.

The principal issues in the consideration of this application is the ability of the proposed Gasifier Building to be accommodated within the consented Enviroparks Site and the surrounding area of Hirwaun Industrial Estate.

Visual effects

A comprehensive assessment of the effects of the construction activities and proposed development of the Enviroparks scheme has been included in the 2008 ES which accompanied the application for the consented Enviroparks scheme.

The findings of the 2008 ES have been reviewed by the applicant to re-assess the effects that the proposed amendments to Phase II of the Enviroparks scheme would have. This has concluded that the whilst the Gasifier Building would be visible in external views of the site, notably from Fifth Avenue, its presence would not change the assessment of visual effects in the environs of the site.

The site is located on Hirwaun Industrial Estate. Policy AW 6 supports development proposals which are of a high standard of design, appropriate to the local context, and where extensions to buildings are proposed they reflect the form, materials, details and character of the original building. This proposed Gasifier Building would form an extension to the consented Fuel Preparation Area (FPA) building and its appearance is designed to integrate as one contiguous element of the consented building forming an indivisible extension to its western arm.

As discussed at the introduction to this Report, there is a separate non-material amendment application to reconfigure the external elevational treatment of the FPA Building. This would assist the elevational integration of the Gasifier Building to form a seamless extension of the consented FPA Building. This also demonstrates compliance with Policy AW 6.

The Gasifier Building would enclose the gasification equipment which would otherwise be exposed. Enclosing the gasification equipment would improve views from the Brecon Beacons National Park into the Enviroparks site. Equipment would be concealed within the one building aiding the containment of the site.

As confirmed in the introduction of this Report, the applicant also proposes small changes to AD Tanks, Pyrolysis Building and the Engine House. These are considered under a different application. All other elements of the consented Enviroparks scheme would remained unchanged. This includes a full landscape scheme on the site which would provide an effective visual foil to the buildings, structures and vehicles located around it, breaking up the mass of the development, creating an attractive aesthetic, and integrating the site with the immediate and wider landscape setting.

Effect on residential amenity (Noise and disturbance)

Noise is a material consideration in the determination of planning applications. Construction noise would not differ materially from that associated with the consented open gasifier yard and green wall. The Gasifier Building would allow the gasification equipment to be fitted out within an enclosed space and better noise attenuation, when compared to no building.

The enclosure of the gasifier units would reduce the level of external noise associated with the installation, operation and maintenance of the equipment.

The significance of effect of the proposed Gasifier Building on residential amenity is 'negligible' when compared to the consented Enviroparks scheme.

The proposal is therefore considered to meet the requirements for protecting health and local amenity set out in policy AW10.

The effect on ecology and nature conservation

Natural Resources Wales (NRW) has considered this application and raises no objection. The operator of the gasifier will be required to apply for a Permit Variation to operate this amended facility. During the permitting process NRW will assess the environmental effects associated.

In accordance with the Section 106 Agreement attaching to the original planning permission for the Enviroparks development, the applicant has made a financial commitment to enable conservation group Butterfly Conservation to operate a Biodiversity Scheme on suitable sites within 5km of the Enviroparks site. This planning obligation is to compensate for any adverse effects of nutrient nitrogen disposition on the Blaen Cynon SAC from atmospheric emissions at the Enviroparks plant. This application would have no implications for the assessed level or composition of emissions from the Enviroparks plant.

The Gasifier Building would have a negligible effect on ecology. It is therefore considered that the proposals effects on ecology and nature conservation comply with relevant LDP policies listed in the Policy Context section of this report. Therefore, there is no objection to the proposal in these respects.

Effects on Public Rights of Way

The proposal would not affect or alter any Public Rights of Way and the proposal is compliant with the respective LDP policies.

Cultural Heritage

The proposed Gasifier Building would not have any effect on the physical integrity of any local cultural heritage assets or their setting. The Enviroparks site was extensively restored and re-profiled by the Welsh Development Agency, limiting its archaeological potential.

No objections have been received in respect of heritage and it is considered that the Gasifer Building is acceptable in regard to the relevant LDP policy.

Hydrology, Geology and Hydrology

Natural Resources Wales has raised no objection to this application. The Supporting Planning and Environmental Information confirms that the gasification yard as consented would have a solid impermeable floor surface to prevent pollution to the ground. This would be retained under the current proposals. Rainwater run-off from

the roof of the Gasifier Building would be directed to storage for on-site re-use in common with the established arrangements for other buildings on the site.

No change in flood risk is anticipated from the current proposals. As such, the proposal is considered LDP policy compliant and acceptable in this respect.

Traffic and Transport (Highway Safety)

The Applicant's Environmental Information confirms that the proposed Gasifier Building would not result in any significant variation to the construction and operational traffic profiles employed in the Enviroparks 2008 ES or the Road Safety Audit of the 2009 FEI. Existing planning obligations in the Section 106 Agreement concerning the green travel plan, improved public transport provision and vehicle routing would continue to apply.

Given the above, it is considered that the proposed development would not have any significant effect on highway safety.

Socio-economic effects

The Environmental Information provided by the applicant confirms that the assessment of socio-economic effects in the 2008 ES requires no amendment in light of the current proposals. In particular, the proposed Gasifier Building would not result in any change to the estimated level of employment at the Enviroparks site or the level of social-economic benefits arising from this. The Community Energy Scheme provided for in the Section 106 Agreement would continue to operate.

Conclusion

The original Enviroparks application was accompanied by an Environmental Statement (ES, 2008) and Further Environmental Information (FEI, 2009). These assessed the impacts of the proposals and on the basis of this assessment it was considered that the impacts were acceptable and that permission should be granted.

This proposal for the Gasification Building on the Enviroparks site seeks to extend the consented Fuel Preparation Area (FPA) Building to enclose the external gasification plant and machinery, with the western section of the green wall retained.

As the Enviroparks project constituted an EIA (Environmental Impact Assessment) development for the purposes of the EIA Regulations, the applicant reviewed the proposed Gasifier Building to see if it would give rise to any significant changes in the environmental effects of the overall development.

None of the functional purposes of individual buildings or the inputs and outputs of the site overall would change as a result of the proposed Gasifier Building. This lead to the conclusion that, from a purely functional perspective, the current proposal does not give rise to a need for further environmental information.

The applicant has reviewed the proposed amendments to the Enviroparks development on Hirwaun Industrial estate to determine whether they create a need for an addendum to the 2008 ES and 2009 FEI. The review took account of the aspects of the environment likely to be significantly affected by the development in its revised form, consistent with section 3 of schedule 4 to the 1999 EIA Regulations.

In view of the incremental visual change that the proposed scheme amendments would bring, the LVIA contained in the 2008 ES was been reviewed systematically to determine whether the proposed scheme amendments or any external changes in circumstance necessitate a new assessment. It was found that no new assessment was required. The landscape and visual context, land use characteristics and environmental status of the surrounding area are very similar to those prevailing at the time of the original LVIA. With the overall physical height and massing of the proposed development being little changed from the original scheme and a compatible elevational treatment proposed, the factors of change are considered to be too minor to inform alternative conclusions about the landscape and visual effects of the proposals.

The applicant also reviewed all other EIA topics to determine the significance of the proposed scheme amendments in terms of their propensity to affect the conclusions of the 2008 ES and 2009 FEI. For each EIA topic, the propensity of change was found to be negligible. Fundamentally, this general conclusion reflects the fact that the physical form and environmental inputs and outputs of the development – including noise and atmospheric emissions, arrangements for foul and surface water drainage, the volumes of waste recycled and the associated pattern of road traffic – would remain as assessed previously for the consented Enviroparks scheme.

The proposed Gasifier Building would be constructed within the existing consented Enviroparks site. The planning permission for the Enviroparks site includes a set of planning conditions and Section 106 Agreement obligations. These planning conditions and Section 106 obligations would continue to apply to the site and provide appropriate protection for the environment and local amenity. As the Gasifier Building is intrinsically linked to the consented Enviroparks site along with the planning permissions and obligations attached to that permission, it is not necessary to re-list these existing planning conditions and including them within the Gasifier Building planning permission. Only conditions with respect to the design of the proposed Gasifier Building would be attached to the planning permission for the Gasifier Building whilst all other Enviroparks planning conditions and obligations would continue to apply, ensuring appropriate protection for the environment and local amenity.

In terms of the specific performance against the LDP policies, the site is allocated in Policy NSA 14 as an employment allocation for B2 (general industrial) and B8 (storage and distribution) use. Policy CS 9 identifies Hirwaun Industrial Estate as a site able to accommodate a range of waste management options, to meet the capacity requirement of between 12.5 and 21.7 hectares of land required in the South East Wales Waste Plan. The proposed Gasifier Building would not change the allocated use of this site and would complement the consented energy from waste scheme. The proposals are in accordance with Policies NSA 14 and CS 9.

The degree of proposed change from the previously assessed topics in the 2008 ES and 2009 FEI for the Enviroparks scheme is 'negligible' across all topic areas: community effects; transport and access; air quality; noise and vibration; ground conditions, drainage and flood risk; landscape and visual effects; ecology; archaeology and cultural heritage; drainage and flood risk; landscape and visual effects; ecology, and; archaeology and cultural heritage.

The criteria contained in policies AW5, AW6, AW8 AW10 and AW12 refer to the proposed development not having any unacceptable impact (in respect of the criteria listed). All of the existing Enviroparks planning conditions and Section 106 Agreement obligations would continue to apply, thus ensuring appropriate protection for the environment and local amenity.

The information submitted with this application, along with the existing 2008 ES and 2009 FEI provide comprehensive evidence and has been rigorously assessed. This demonstrates that the proposed Gasifier Building would not introduce any new environmental effects. The mitigation measures provided for in the existing Enviroparks scheme would not be impacted by the Gasifier Building.

Therefore, it is recommended that planning permission be granted.

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 Ref: 10455-2000
- Proposed Site Layout Plan, Drawing Ref: 10455-2001
- Gasification Ground Floor and Roof Plans, Drawing Ref: 10455-2002
- Gasification Elevation Plan, Drawing Ref: 10455-2003

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

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APPLICATION NO:	15/1412/12 (JM)
APPLICANT:	Newmar Properties Ltd
DEVELOPMENT:	Two storey side extension, single storey rear extension, new entrance porch with ramped access, decking and the siting of air conditioning units. (Amended description received 12/11/2015)(Listed Building Consent)

LOCATION: MISKIN ARMS PUBLIC HOUSE, HENSOL ROAD,
MISKIN, PONTYCLUN, CF72 8JQ
DATE REGISTERED: 13/11/2015
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The proposal to form new extensions alongside existing extensions at the rear of this historic building, to a similar scale, is not considered to significantly affect the historic setting. Internally, significant reorganisation of an already heavily modified ground floor, will affect very little original fabric. That which remains will largely be left in situ. The works are considered in line with guidance and legislation on the protection of Listed Buildings. Moreover, the works are considered to retain much that is considered as of primary significance to the building's special architectural interest, whilst allowing a substantial investment to a rural public house.

APPLICATION DETAILS

The Listed Building Consent sought consists of the following:

- Adding a new porch to the existing side extension;
- Adding a large gable-fronted extension at a right angle to an existing off-shot;
- Addition of Air conditioning and ventilation units to rear off-shot wall;
- Removal of modern rear porch located on the western (rear) elevation and the construction of a two-storey extension to accommodate an internal stairwell;
- Addition of frameless glazed balcony around rear extensions;
- Removal of a potentially original pier and opening out modern internal partitions;
- Relocation of bar servery to purported original position of left hand wall on entering;
- Retention of original central stairwell, introducing feature glazed stair 'cheeks';
- Capping of original basement stairs in-situ.

A Planning Permission application is also being considered under application number 15/1440/10, the report for which can be found later on this agenda.

SITE APPRAISAL

Miskin Arms Public House is located in the centre of the village, to the west of the church, at the junction of School Road and Hensol Road. Built in the third quarter of the C19 and first mentioned in 1871.

PLANNING HISTORY

The following planning applications are on record associated with this site:

06/2127	Miskin Arms, Hensol Road, Miskin, Pontyclun	Removal of Conditions 8 and 9 (04/0158/10) which relate to surfacing of a car park and construction of flexible vehicular foot way crossover.	Refused 08/08/07
04/0589		Extend the existing bar area.	Granted 27/08/04
04/0158		Extension to bar area.	Granted 30/07/04
99/2930		Extension and internal alterations to a public house.	Granted 10/03/00
75/0162		Conversion of barn into dining room with kitchen, toilet and store extension to existing licensed premises	Granted 03/06/75

PUBLICITY

The application has been advertised by direct notification neighbouring properties, site and press notices.

One letter of objection has been received from a local resident and is summarised below:

- The writer notes that she lives opposite the public house and she has concern that a two-storey extension could possibly restrict sunlight to her property;
- Concern that the development could increase levels of noise and disturbance in the evenings;
- A question is raised regarding the appropriateness of a more 'hotel' type of use in the middle of an old village with a war memorial outside;
- The writer questions whether there is a sufficient amount of parking available?

Consideration of these matters are not material in terms of the Listed Building Consent and are considered to be appropriately dealt with under the counterpart application 15/1440/10 for planning permission.

CONSULTATION

The following responses were received from consultees: -

- The Society for the Protection of Ancient Buildings responded that their casework resources are very limited and therefore, concentrate on commenting on listed building consent applications that will have a physical impact on individual buildings with fabric dating from 1720 or earlier.
- Glamorgan Gwent Archaeological Trust do not wish to comment on the proposals

The following have been consulted however, no responses were received: -

- Victorian Society

- Ancient Monument Society
- Council for British Archaeology
- Royal Commission for Ancient Historic Monuments of Wales
- Georgian Group

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

There is no statutory requirement to have regard to the provisions of the development plan when considering applications for Listed Building Consent. The importance of a site of architectural and historic interest is however, acknowledged under policy AW7 – Protection and Enhancement of the Built Environment. This advises that the council will seek to implement enhancement and management schemes to improve the character, quality and appearance of designated heritage assets; in line with the relevant national guidance and legislation.

National Guidance

Planning Policy Wales (Edition 8, January 2016)

Para. **6.5.9** Where a development proposal affects a listed building or its setting, the primary material statutory consideration is to special regard to preserving the building setting and features.

Para. **6.5.10** Applicants for listed building consent must be able to justify their proposals, to show why alteration of a listed building is desirable or necessary.

Other relevant policy guidance considered:

Welsh Office Circular 61/96 (98)

PPW Technical Advice Note 12 – Design

REASONS FOR REACHING THE RECOMMENDATION

The application is in accordance with national policy, legislation and guidance and should therefore be acceptable in terms of Listed Building Consent.

Main Issue:

The principle consideration in determining an application for Listed Building Consent is whether or not the impact of the works are acceptable in terms of the special architectural and historic merit of the Listed Building; in line with the

The proposed development essentially affects the character of the listed building in two ways: -

Externally, the proposed extensions have been revised to sit beneath the horizon

and within the footprint of existing offshoots and extensions. On the main approaches from New Mill Corner, Hensol Road and School Road, where the other group listed structures are located, the building remains unchanged aside from a new side porch to the annex. Only on the approach along Heol Miskin will the new building be visible alongside the existing three extensions. In this respect, the setting will remain largely unchanged, as a tarmaced open-space with a cluster of modern buildings to the rear, in traditional form.

It should be noted that as the ground levels fall away to the rear of the public house, the proposed extension increases to two floor; which nonetheless do not exceed the ground floor level of the original building. The sub-floor level will therefore be largely unsighted in the setting.

In terms of design, the choice has been to adopt a policy of an 'honest intervention', rather than attempting a pastiche of a Victorian structure. The design choice has been to use frameless architectural glass, deep-set beneath pitched overhanging eaves to avoid reflection. Although the general form and massing of the new annex responds to the wider historic environment, it offers a subservient, yet high quality contemporary design, intended to contribute architecturally to the site, as it cannot be concealed.

Internally, reorganisation is limited to a much altered ground floor. The only apparent remaining structures are a pier section of the original outer wall and the central stairwell and the stone flags surrounding it. As the intention is to offer a contemporary-styled open restaurant and to enable effective management and service; the proposal is to remove the partitions in open plan form.

Although, the existing plan is more akin to a traditional pub's cellular layout of bar and lounge, what exists is wholly new with little evidence of the historic form. Removal of an un-evidenced layout is therefore not considered as detrimental to the character and avoids the pretence of the current layout, complete with faux fireplace. The staircase and its enclosing walls beneath the will be retained, whilst the walls above the stair will be replaced in glass; in a compromise between retaining original layout and the open contemporary style desired. The basement flight beneath will be sealed over in situ.

Removal of an original pier marking the mid-point of the outer-wall will be a loss, in that it currently allows the extent of the original pub to be read. However, a robust justification on the effective management and service of large areas has been accepted, in that it is more difficult and costly to individually staff several small areas. It should be noted that the public house has been in three different ownerships in recent years, the current business model's lack of viability is plausibly cited as the cause.

The removal of a modern porch, the addition of a balcony and air conditioning units at the rear are considered as only visually affecting the later extensions due to their location and minimal extent.

Conclusion

The sizeable investment in the original building and adjoining annexes demonstrates a significant commitment and a broadening of services that can only be considered as being of benefit to the building. A concession to achieve this is the loss of some original elements and a seemingly traditional form. Both however are considered of limited value and outweighed by the assured ongoing use of the building.

As part of the determination process, the application has been referred to Cadw and it has been considered that the proposals *as shown* need not be referred to Welsh Government and will be for the Local Planning Authority to determine the application.

RECOMMENDATION: Grant

1. The works hereby consented shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.

2. The works hereby consented shall be carried out strictly in accordance with these approved plans: -

- 2211/PA/07A
- 2211/PA/08A
- 2211/PA/ 11A
- 2211/PA/14 A
- 2211/PA/18A
- 2211/PA/19A

Received by the local Planning Authority on 13 November, 2015

Reason: To ensure compliance with the approved plans and document and to clearly define the scope of the consent.

3. Notwithstanding the approved plans, prior to the commencement of the development the design and detailed specification including finishing materials of the following shall be submitted to and approved in writing by the Local Planning Authority:

- architectural glass structures
- schedule for the repair, replacement or addition of windows
- rainwater goods
- ridge tiles
- glazed stair arrangement
- floor replacement and coverings
- external walling

The works shall be carried out strictly in accordance with these approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1417/10 (PB)
APPLICANT: Formaction Limited
DEVELOPMENT: Application for the erection of Class B1/B2/B8 units and associated external alteration (Phase 4).
LOCATION: PHASE 4, HEPWORTH PARK, COEDCAE LANE, PONTYCLUN, CF72
DATE REGISTERED: 28/10/2015
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: Approve

REASONS: The principle of the proposal is acceptable as it involves the fourth phase of commercial / business redevelopment on a large previously used industrial site within a complex of such uses off Coedcae Lane, which lies within settlement limits of Pontyclun. The design, appearance and layout of the proposal matches those of the earlier phases and does not give to any significant issues that cannot be overcome in relation to access, flood risk, ecology, ground conditions, noise and amenity.

APPLICATION DETAILS

Full planning permission is sought for the erection of four industrial buildings and associated development on land at Hepworth Industrial Park, Coedcae Lane, Pontyclun. The development is the fourth phase of the redevelopment of this site that was formerly occupied by a concrete manufacturing plant. The current proposal would see the next part of the site redeveloped in a very similar manner to the previous three phases. It would comprise of the construction of continuation of the concrete apron that serves as access to the third phase and connects with the internal highway serving the first two phases of Hepworth Park. Four industrial buildings would be constructed in courtyard arrangement off the extended access apron. The buildings will provide an additional 17 units of business accommodation at the site and will match those of Phase 3 and be identical in size and design in terms of their width at 19.65m in width and height at 8.37m to ridge and 6.99m to eaves. The four buildings will vary in terms of their width, with the building comprising Units 11 and 12 measuring 29.7m wide, the building comprising Units 13 to 17 will be 74.3m wide, the building comprising Units 18 to 24 will be 104.02m wide and the building comprising Units 25 to 27 will be 44.85m wide. Overall, the four buildings will provide a total of 4967.5 square metres of floorspace. The buildings would be finished in colour-coated metallic cladding. The application indicates a

total of 84 car parking spaces would be provided to serve the development. Turning facilities will be available within the access/service courtyard.

The application is accompanied by the following:

- Design and Access Statement
- Noise Impact Assessment of Proposed Development
- Flood Consequences Assessment
- Coal Mining Risk Assessment information.

SITE APPRAISAL

The former Hepworths Concrete Works site comprises a largely cleared and vacant area of former industrial land covering approximately 8.5 hectares. As part of the earlier phases of redevelopment of the land new industrial buildings and an access road have already been constructed and the building occupied... Elsewhere on the site there is a large refurbished industrial building and a storage compound.

Hepworth Park is situated to the north of the main railway line from Cardiff to Swansea. The site is flanked by and lies opposite a variety of neighbouring industrial and commercial premises elsewhere on Coed Cae Lane. To the south of the railway lies the extensive housing estate of Tylegarw.

PLANNING HISTORY

11/1431	Hepworth Park, Coedcae Lane, Pontyclun	Development comprising 2 buildings for Class B1, B2 and B8 Use (Phase 3)	Approved 06/08/15
09/0036	Land At Pontyclun Works, Coedcae Lane, Pontyclun	Development comprising 3 buildings (B1, B2 and B8 use) with on site car parking(amended description 06/04/10 - retention of building as built and amendments to design and siting of remainder of development)	GTD 21/07/11
07/1539	Hepworth Ind. Park, Coed Cae Lane, Pontyclun	Erection of 1 unit B2 General Industrial Building and Internal Offices	GTD 07/03/08

PUBLICITY

Neighbouring properties have been notified of the application which also has been the subject of site notice publicity and a notice in the Press.

There has been no response to this publicity from members of the public.

CONSULTATION

Transportation Section – no objection subject to conditions.

Flood Risk Management – Drainage details required for approval before development begins.

Public Health and Protection – offers comments and advice in relation to demolition, contamination, air quality, noise from construction and noise from the development, dust, disposal of waste, and lighting.

Natural Resources Wales – no objection subject to conditions

Welsh Water – no adverse comments.

The Coal Authority – from the risk assessment information submitted by the applicant it is concluded that the likelihood of historic unrecorded working at shallow depth being present is extremely low. No further works in this respect are therefore recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within settlement limits and is unallocated.

Policy CS2 – emphasises that development in the Southern Strategy Area will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by (amongst others) providing opportunities for significant inward investment in sustainable locations that will benefit the economy, and promoting and enhancing transport infrastructure to support growth and investment.

Policy AW2 – promotes development on non-allocated sites in sustainable locations only.

Policy AW5 – requires new development to contribute to a high quality environment and to be highly accessible.

Policy AW6 – requires development to be high standard of design and appropriate to local context.

Policy AW8 – seeks to protect and enhance the natural environment.

Policy AW10 – permits development only where it can be demonstrated that measures can be taken to overcome any undue harm to local amenity because of hazards including air, noise and water pollution, contamination and flooding.

Policy SSA13 permits development within settlement boundaries subject to it being demonstrated the proposal meets specific criteria.

Planning Policy Wales (edition 8, January 2016)

Paragraph 7.6.1 requires local planning authorities to adopt a positive and constructive approach to planning application for economic development taking account of key factors including jobs creation and retention, economic regeneration and environmental improvement opportunities.

Further relevant policy guidance is found in TAN 12 Design and TAN 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:

Relationship to local development plan policies

The application site comprises part of an extensive area of predominantly vacant industrial land off Coed Cae Lane, Pontyclun and unallocated land within settlement limits in the Local Development Plan. The land neighbouring the site is also predominantly in use for industrial and commercial purposes, which characterises the area. It follows therefore, that the proposed redevelopment of the application site for industrial purposes is in principle sustainable, well related to and supported by local planning policies. Moreover, planning permission have been granted and implemented for the first three phases of the redevelopment of the whole site. Completion of the fourth phase will result in the re-development of almost three-quarters of the Hepworth Park site.

Ideally, an outline approval for the redevelopment of whole of the Hepworths site would provide the framework within which the current proposal could be considered. In the absence of that, the current application has to be considered as a piecemeal proposal on its own merits. In this context it is especially important to ensure that the proposal does not prejudice or frustrate development of the remainder of the Hepworths site. From examination of the applicant's conceptual master plan for the

redevelopment of the overall site (submitted as part of the planning application for the previous phases of redevelopment) it is evident that the proposal for phase 4 broadly fits the applicant's envisaged concept for the layout of whole the Hepworths site and pattern of the previous three phases.. Therefore, the current proposal does not conflict with the scale and layout of development undertaken so far nor will hinder the development of the remainder of the site.

Design and appearance of the development

In terms of the design and visual appearance of the development, the proposed units would be similar in scale and external finishes to the units already completed on phases 1, 2 and 3 of the site. The design is relatively simple and functional, though the colour-coated external finishes and shallow-pitched roofs would give the buildings a modern hi-tech appearance that is considered appropriate in its context in accordance with Policies AW5 and AW6 of the LDP.

Transportation issues

Phases 1, 2 and 3 of the Hepworths site are served by a new access off Coedcae Lane. This access is intended to be extended into the proposed fourth phase, together with a space for turning and off-street parking. There is no highway objection to the configuration of the proposed access, parking and vehicle circulation areas in principle, therefore the proposal is in compliance with Policy AW5 of the LDP in regard of these matters.

Ecology

Although largely cleared of all its former buildings and now substantially redeveloped, Hepworth Business Park is flanked by trees and ditches that have potential ecological value though none is directly affected by this phase of development. The key ecological issue, however, is the potential presence of bats, which have European Protected status. In this regard when the Phase 2 development was considered in 2011 the applicant's Ecological Consultant concluded that the majority of the buildings that remained on the Hepworths site at that time had negligible potential for roosting Bats due to their open and draughty nature and construction of corrugated metal, which undergoes extremes of temperature. None of these buildings was found to have any crevices or roof spaces and were able to be fully accessed during the daytime, which did not record any evidence of Bats. No evidence of Otter was found at the site.

The report has also identified a number of trees with low potential for roosting Bats. The trees identified may be used as occasional transitory roosts by low numbers of common species of Bat, but are unlikely to provide significant maternity or hibernation roosts. This is due to the highly disturbed nature of the immediate surroundings and the lack of nearby suitable foraging grounds and connective habitat. No trees or hedges are proposed to be affected or removed under the present application, therefore the proposal does not conflict with Policy AW8 of the LDP.

Contamination and pollution control

Having formerly been used as a brick works and concrete products plant, the whole of the Hepworth site has potential to be contaminated arising from previous industrial activity, historical oil tanks and processes. Also, Natural Resources Wales has pointed out on previous occasion that the controlled waters at this site are of high environmental sensitivity as the site drains into, and is directly adjacent to the Nant Melyn, a tributary of the River Ely. NRW concludes on the basis of its records that development shall not begin until a scheme for the remediation of contamination has been submitted and approved by the Council. Public Health and Protection also has drawn attention to potential past uses at the site that have potential to have caused contamination. Although previous phases of the Hepworth development have been the subject of site investigations, it is unclear whether those investigations have extended as far as the Phase 4 site. Therefore, as a precaution it is recommended that the matter is dealt with by means of appropriately worded pre-commencement conditions (see conditions 5, 6, 7, 9 and 10) in accordance with Policy AW10 of the LDP. Although it is noted from the observations of Public Health and Protection that the development is of a large size that has potential to impact negatively on local air quality, no such requirement was placed upon previous phases of the development therefore it is considered unreasonable to do so now.

Flood Risk

In terms of flood risk the application site is low-lying, level and in close proximity to watercourses such as the Nant Melyn adjacent to the railway line to the south-west, and lies partially within Zone C2 of the Development Advice Map (DAM) referred to under TAN 15 Development and Flood Risk (July 2004). NRW's flood map, which is up-dated on a quarterly basis, confirms a small portion of the site to be partially within the 0.1% (1 in 100 year) annual probability fluvial flood outlines of the River Ely.

Based on its review of the applicant's Flood Consequences Assessment (FCA) and the very small area of the site within the flood risk zone, NRW considers the risk could be acceptable subject to the developer being made aware of the potential flood risk and advised to install flood-proofing measures as part of the development. In any event NRW has provided this advice as a recommendation, which can be attached as an informative note in the event of planning permission being granted, and not objected to the application on flood risk grounds. Accordingly, the proposal does not conflict with Policy AW10 of the LDP.

Noise and Neighbouring Amenities

Hepworth Business Park is located at the heart of the Coedcae Lane Industrial Estate, an extensive complex of commercial and industrial premises. There are two dwellings and a small motel elsewhere along the road frontage at the opposite end of Hepworth Park to the location of the proposed Phase 4 development. Several properties that were once in use as dwellings and still present an external appearance of being in such use lie much nearer to the application site, but are now

in use for commercial purposes. Given that this phase of the Hepworth Park development is actually quite remotely situated in relation to residential property it is considered unnecessary for a construction hours condition to be added to a planning permission. With regards to noise from the development itself, the application is accompanied by an Acoustic Report that demonstrates the any issues relating to noise can effectively be controlled by replicating the same noise controlling conditions which were implemented for the earlier phases of the Hepworth Park development (see condition 2)

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

The principle of the proposal is acceptable as it involves the fourth phase of commercial / business redevelopment on a large previously used industrial site within a complex of such uses off Coedcae Lane, which lies within settlement limits of Pontyclun. The design, appearance and layout of the proposal matches those of the earlier phases and does not give to any significant issues that cannot be overcome in relation to access, flood risk, ground conditions, noise and amenity. Taking into consideration all of the above issues the application 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 shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan - Drawing no. 510311/8
 - Site Layout Plan – Drawing no. 510311/3
 - Units 11 – 12: Proposed Elevations, Sections, Roof and Floor (Drawing no: 510311/4)
 - Units 13 – 17: Proposed Elevations, Sections, Roof and Floor (Drawing no: 510311/5)
 - Units 18 – 24: Proposed Elevations, Sections, Roof and Floor (Drawing no: 510311/6)

- Units 25 – 27: Proposed Elevations, Sections, Roof and Floor (Drawing no: 510311/7)
- Marsden Associates – Flood Consequences Assessment – Proposed Development at Coedcae Lane, Pontyclun (Hepworth Park), Phase 4 – Report MA/PC/03/A – dated October 2015
- Acoustics & Noise Ltd – Noise Impact Assessment of Proposed Industrial Development, Land at Pontyclun Works, Coedcae Lane, Pontyclun – Report ref:1001005R01 – dated 17/02/2010, and letter prepared by Acoustic & Noise Ltd (ref: 1508100)

Reason: In order to define the terms of the permission granted.

3. Access, parking and turning facilities shall be laid out as shown on the layout plan (drawing no: 510311/3) and not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate access, turning and parking facilities are provided within the site in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:

- The means of access to into the site for all construction traffic
- The parking of vehicles of site operatives and visitors
- The management of vehicular and pedestrian traffic
- Loading and unloading of plant and materials
- Wheel cleansing facilities
- The sheeting of lorries leaving the site

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

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

5. No development shall take place 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 by a competent person. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

Reason: In the interest of health and safety and to prevent pollution of the water environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 6. The development hereby permitted shall not be occupied until the measures approved in the scheme (referred to in condition 5 above) 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 to prevent pollution of the water environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 7. 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 and approved in writing by the Local Planning Authority prior to the work recommencing.

Reason: In the interest of health and safety and to prevent pollution of the water environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 8. No development shall take place until drainage arrangements have been submitted to and approved in writing by the local planning authority. No building 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.

- 9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which

may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan, as there is an increased potential for pollution of controlled waters from inappropriate methods of piling (the developer should be mindful of creating a potential pathway to the aquifer under the site).

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APPLICATION NO:      15/1425/15      (HL)
APPLICANT:           Mr David Jenkins
DEVELOPMENT:         Variation of Condition 1 of planning consent 10/0601/10 -
                        Extension of time.
LOCATION:              LAND AT RHOMBIC FARM, HALT ROAD, RHIGOS,
                        ABERDARE CF44 9VN
DATE REGISTERED:     26/10/2015
ELECTORAL DIVISION:  Rhigos
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RECOMMENDATION: Approve

REASONS: The application seeks to renew a previously approved consent for the development of houses on Rhombic Farm, Halt Road, Rhigos. Approving the application would allow and facilitate the wider site to be brought forward for residential development.

APPLICATION DETAILS

The application seeks consent via Section 73 of the Town and Country Planning Act 1990 to vary condition 1 of planning permission 10/0601/10 which granted consent for the erection of 9 dwellings together with garages & construction of an estate road on land at Rhombic Farm, Halt Road, Rhigos, Aberdare.

Condition 1 specifies the following:

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.

The approved development comprises 9 detached bungalows arranged around a cul-de-sac. The cul-de-sac would connect with proposed road on an adjacent site permitted under planning application 07/0662, where works have been commenced by the basic laying out of the access from Halt Road.

The dwellings approved as part of 10/0601 comprise two different house types:

- House type A: a bungalow without dormers with a maximum depth of 9.5m and a maximum width of 14m. External walls will be finished in a colour render and the hipped-roof will be finished with slate;
- House type B: a smaller bungalow with a maximum depth of 9.5m and a maximum width of 10m, finished in similar materials but with a first floor accommodation facilitated by a dormer window on the rear, roof lights and a window in a gable on the front elevation.

Some of the dwellings proposed will have a garage attached with similar external detailing, whereas 3 of the dwellings will each have a stand alone double garage. All the properties would have good sized driveways for off-street parking.

In terms of landscaping a 2m wide buffer and 2m high acoustic fence are proposed along the eastern boundary of the site due to the location of the Hirwaun Industrial Estate to the east, and to help mitigate the visual and aural effects of positioning houses close to such an estate.

The current application is accompanied by:

- A Design and Access Statement.

SITE APPRAISAL

The application site is a wedge shaped parcel of land with an area of 1.01 Hectares positioned to the east of Rhombic Farmhouse and Halt Road. Hirwaun Industrial Estate and residential properties in Halt Road are located to the east and south of the site as a whole. The embankment of the A465 (Heads of the Valleys) Road adjoins the northern boundary. The site is connected to Halt Road via a proposed access through the adjoining site to the west which already has planning permission for 9 dwellings (application 07/0662 refers). The land to the south and west is also the subject of planning applications for residential development (Applications 11/0060 and 11/0062)

The land falls from south to north and is overgrown with shrubbery and trees. The Nant Llechau, which runs from north-west to the south-east of the site, cuts a rather deep valley through the site. The proposals map of the Local Development Plan indicates that the site is outside the settlement boundary with the adjacent site to the (south-east) allocated for waste management (Policy CS9.2 refers) and the land to

the east allocated as a Site of Important Nature Conservation (Ref: AW8.7) that also benefits from planning permission for the development of a 400kv substation (Application ref: 10/01113, granted on the 21/01/2013).

PLANNING HISTORY

The application and wider site have been the subject of the following applications:

11/0062	Erection of eight dwellings. Construction of an estate road access (internal re-routing of approved estate road) (phase 3).	Pending Section 106
11/0060	Erection of 4 dwellings (served by a private drive). Improvements to existing vehicular & pedestrian access.	Granted 02/02/2012
10/0601	Erection of 9 dwellings (extension to approved scheme)	Granted 18/01/2011
07/0662	Erection of 9 dwellings (approval of reserved matters	Granted 06/10/2008
03/02078	Residential development (outline) (resubmission)	Granted 14/05/2004
03/1814	Residential development (outline)	Refused 05/12/2003

PUBLICITY

The application has been advertised as a departure from the Local Development Plan. Following direct neighbour notification, the erection of a site notice and publication of a press notice, no objections or representations have been received

CONSULTATION

Transportation Section – no objections raised subject to the re-imposition of conditions.

Countryside, Landscape and Ecology – no objections.

Dwr Cymru Welsh Water – advice provided with regard to the position of apparatus. Conditions recommended with regard to foul and surface water drainage from the site.

Housing Strategy – concerns that the site area has been split into 4 development areas to avoid providing Affordable Housing as required by policy NSA11 of the Local Development Plan. It is evident that the site as a whole is capable of accommodating approximately 30 dwellings. In line with the requirements of current policy 2 off the three bedroom units on site should be made available for Low Cost Home Ownership. Application 11/0062 is the subject of a Section 106 to provide one off site unit however, to date this Agreement is still outstanding

Land Reclamation and Engineering - no objection raised subject to the re-imposition of conditions.

Wales and West Utilities (Gas) – advice provided regarding the position of apparatus

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is outside the settlement boundary which is approximately some 500m distant.

Policy CS1 promotes residential development in the Northern Strategy Area that supports the principal town and the key settlements.

Policy CS9 - The Hirwaun Industrial Estate has been identified as being able to accommodate a range of waste management options, including recycling and composting, on a regional basis.

Policy AW1 defines the housing land supply, to be met partly by development of sites that have been granted consent since 1st June 2006.

Policy AW2 promotes development in sustainable locations, which are defined as being in accordance with policy NSA12 in the Northern Strategy Area (inside or adjoining settlement boundaries).

Policy AW5 sets out the amenity, sustainable design and accessibility requirements that all new development should comply with.

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals

Policy AW8 specifies that the Authority's natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 seeks to prevent development that would have a risk of unacceptable harm to the environment, public health or local amenity. This would include the requirements that where sites are subject to land instability, contamination or flooding.

Policy NSA11 states the requirement for 10% affordable housing for schemes of 10 dwellings or more in the Northern Strategy Area.

Policy NSA12 gives further criteria for suitable housing development within and adjacent to settlement boundaries.

The following Supplementary Planning Guidance notes are also considered relevant:–

- Design and Placemaking
- Affordable Housing
- Delivering Design and Placemaking: Access, Circulation and Parking Requirements
- Planning Obligations

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 (Edition 8 January 2016), Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) 8 (Transport)

and 9 (Housing) 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 18: Transport;
- Manual for Streets.

REASONS FOR REACHING 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.

As detailed above, the application seeks consent via Section 73 of the Town and Country Planning Act 1990 to vary condition 1 (time limit to implement the consent) of planning permission 10/0601 which was granted on the 18th January 2011. Since the original application was approved, the Authority have adopted the Local Development Plan, which places the site outside of the defined settlement boundary. The key considerations with regard to the application are therefore whether the proposal is acceptable in respect of planning policy; impact on the character and appearance of the area; highway safety; residential amenity, ecology and affordable housing.

Principle of development

In respect of planning policy there is a presumption against development of any sort at this location due to the position of the application site outside of, and away from, the settlement boundary. In this case the site is over 500m away from the settlement boundary surrounding Rhigos village and therefore it is considered that the development is contrary to the provisions of policy NSA12. Any proposed development in the countryside should be supported by robust evidence in respect of its necessity as outlined by TAN 6. The Design and Access Statement (DAS) submitted to support the proposal, argues that the proposal should be considered as a "windfall site" which will help the Authority to meet the number of dwellings set out in Policy CS4 and would provide a minor logical extension to a committed scheme, that the site is in a sustainable location well related to Hirwaun and Rhigos and that the site is previously developed land that has benefited from or has positive resolutions in place for residential development. Furthermore the DAS quotes criteria 2 of Policy AW1 which specifies that in order to meet the housing land requirement the development of sites in Rhondda Cynon Taf where planning permission for housing has been granted since 1st June 2006 will be supported.

In respect of whether the site is considered to be previously developed land Planning Policy Wales defines such land as that which is or was occupied by a permanent

structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure (figure 4.4 Planning Policy Wales Ed. 8 2016). Land where the remains of any structure or activity has blended into the landscape over time so that they can reasonably be considered part of the natural surroundings and/or land where the nature conservation value of which outweighs the reuse of the site is excluded from the definition of previously developed land. The existing Rhombic Farmhouse occupies a small part of the site and the rest of the site appears to be its grounds. The majority of the site is characterised by large trees, grass and shrubbery and it is considered not to be or have any characteristics of previously developed land. There does not appear to be any evidence that non-agricultural or forestry buildings once occupied the site, and even if this was the case it is considered that the current appearance of the site would mean that the site cannot be defined as previously developed land.

Given the position of the site outside the settlement boundary and not adjoining it, it is considered that the application should be refused. However, it must be acknowledged that the Authority does currently have a shortfall in housing land supply. Whilst concerns are raised that any benefit drawn from the proposed development, in association with those commenced or resolved for approval but currently undetermined on the adjoining and adjacent sites, would not be sufficient to outweigh the identified conflict with the up to date and adopted statutory development plan, in this instance, it is considered that the allowance provided by criteria 2 of policy AW1 in association with the extensive planning history which has positively established the development of the site for residential purposes, the potential for the applicant to make a material start on application 10/0601 prior to expiration and the current shortfall in housing land supply, does have significant weight in the determination of the application and on balance is sufficient to overcome the objections with regards to policy.

Character and appearance

The scheme is considered acceptable in respect of design and layout. A simple cul-de-sac is proposed with all dwellings facing the road with private gardens to the rear. As all the proposed dwellings are of a similar design and are considered to match those of the permitted site well, they are also considered acceptable. The site, taken together with the adjacent site where planning permission has already been granted, is fairly isolated and as it is not surrounded by existing residential development there is less of a precedent to follow in terms of house design, scale and layout. In general, the design and materials proposed are acceptable as they are commonly found elsewhere in the County Borough. The application is therefore considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

In respect of residential and visual amenity, it is considered that the layout of the scheme would not have any detrimental impact on residential amenity (in terms of overlooking and loss of light) due to the location and layout of the proposed houses and the proximity of the site to the closest residential dwellings. As such the proposal

is considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

In respect of highway safety, following consultation the Transportation Section have raised no objection to the scheme subject to the conditions imposed on the original application being reapplied. It is considered that adequate off-street parking is provided and that a more informal highway is acceptable subject to design detail conditions as it is anticipated that traffic and pedestrian movements will be low. Therefore subject to the imposition of conditions the application is considered compliant with the requirements of policies AW5 of the Rhondda Cynon Taf Local Development Plan.

Affordable housing

Policy NSA 11 of the Rhondda Cynon Taf Local Development Plan specifies that at least 10% affordable housing will be sought on sites of 10 units or more. The application proposes the development of 9 units and as such is not subject to the criteria. However, concerns have been raised that the wider site has been split to provide 4 principle development areas, each containing less than 10 units in an attempt to circumnavigate the obligations of the policy. However, being mindful of the location of the development it is considered likely that a requirement to provide affordable housing would make the scheme unviable and prevent it being brought forward. In light of the requirement to provide affordable housing on the adjacent site (ref:11/0062), the number of dwellings proposed and the associated planning history, it is considered that no affordable housing provision is necessary in this instance.

OTHER ISSUES

Noise and disturbance

In respect of the site's relationship to the industrial estate and potential disturbance from noise, the Council has granted consent for the development for 400KV electric sub-station on land to the east of the site (10/0113) with the wider industrial estate also allocated for waste management (Policy CS9.2 refers). In order to ensure that the land allocated for business and industrial development is not prejudiced by the erection of dwellings close by, a report in respect of noise monitoring has been received from the applicant as part of application 11/0062, suggesting that this can be mitigated by a suitable barrier along the northern and eastern side of the site. This noise report was suggested by the applicant for the electric sub-station due to the concerns they raised regarding their application being prejudiced by any planning permission for residential dwellings. As the content and remediation suggestions of this report have already been considered acceptable as part of application 11/0062/ and being mindful that the developer is fully aware of these pending development and allocation, it is considered that the adjacent allocation should not prejudice the positive determination of the application.

The noise report submitted notes that the ambient noise background at the application site is primarily derived from traffic using the A465. It states this can be mitigated and it is considered an acoustic barrier can adequately reduce noise disturbance levels. This barrier should help reduce the impact of noise from the proposed electric sub-station, any subsequent industrial or business development and the Heads of the Valleys Road to the north of the site.

Ecology

As specified above, the land to the east of the site is allocated as a SINC (Ref: AW8.7) that also benefits from planning permission for the development of a 400kv substation (Application ref: 10/01113, granted on the 21/01/2013). As the current application site is outside of the SINC, following consultation the Authority's Ecologist has raised no objection and it is considered that the proposal will not have a detrimental impact on the ecological value of the wider area, in compliance with the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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 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.

RECOMMENDATION

Although outside the defined settlement limits it is considered that the allowance provided by criteria 2 of policy AW1 in association with the extensive planning history which has positively established the development of the site for residential purposes, the potential for the applicant to make a material start on application 10/0601 prior to expiration and the current shortfall in housing land supply, does have significant weight in the determination of the application and in this instance, on balance is sufficient to overcome the policy concerns raised. It is also considered that the proposal would not have a detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site, highway safety or the ecological value of the wider area. The application is therefore considered broadly compliant with the requirements of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to conditions.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) site location plan received 23/10/15, Drawing No's: 09.012.01; 09.012.02; 09.012.03; 09.012.04 Rev A; 09.012.05 Rev A; 09.012.06; 09.012.07; 09.012.100 rev A and documents received by the Local Planning Authority on 23/10/2015; 21/12/2010; 14/09/2010; 06/09/2010; 6/08/2010; and 09.06.2010 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development whatsoever shall be allowed to commence until the Local Planning Authority has received and approved in writing a Hydrological Impact Assessment including proposed mitigation, design details and a development programme with respect to:

1. Protection of open and culverted sections of the existing watercourse during and after construction.
2. Protection of properties downstream of the development from increased flood risk during and after construction owing to the development.
3. Protection of properties within the development from increased flood risk.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site adjoining properties and environment with respect to drainage and in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. The development hereby permitted shall not begin 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.
 1. 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.
 2. 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 (1) above.

3. 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 above have been implemented. A suitable validation report of the proposed scheme is to be submitted and approved 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 revised contamination proposals shall be submitted to the Local Planning Authority.

The development shall be carried out in accordance with the approved scheme.

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. Building operations shall not be commenced until samples of the external 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.

7. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place 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. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will 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.

9. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include-
- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented
 - Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including method statement for demolition of the chimney of the building affected by the scheme)
 - A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and reptiles)
 - Persons responsible for-
 - Compliance with legal consents relating to nature conservation
 - Compliance with planning conditions relating to nature conservation
 - Installation of physical protection measure during construction
 - Implementation of sensitive working practices during construction
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction
 - Provision of training and information about the importance of the 'Wildlife Protection Zones' 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: To protect the ecology of the site during the construction phase and ensure that best practices are used, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted layout plan, a 2 metres wide footway shall be provided along one side of the access road with a 0.5 metres wide hard margin strip on the remainder in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway and pedestrian safety and to facilitate provision of statutory undertaker's apparatus in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to beneficial occupation of the dwellings hereby permitted the highway shall be constructed in accordance with full engineering design and details of the road layout including sections; street lighting details and surface-water drainage details to be first submitted to and approved in writing by the Local Planning Authority.

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

12. No dwelling shall be occupied until drainage works to such dwelling's driveway have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

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APPLICATION NO: 15/1440/10 (CPU)
APPLICANT: Newmar Properties Limited
DEVELOPMENT: Two storey side extension, single storey rear extension, new entrance porch with ramped access, decking and the siting of air conditioning units. (Amended description received 12/11/2015) (Bat Survey received 25/11/15)
LOCATION: MISKIN ARMS PUBLIC HOUSE, HENSOL ROAD, MISKIN, PONTYCLUN, CF72 8JQ
DATE REGISTERED: 25/11/2015
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The proposal to form new extensions alongside existing extensions at the rear of this historic building, to a similar scale, is not considered to significantly affect the historic setting. The works are considered in line with guidance and legislation on the protection of Listed Buildings. Moreover, the works are considered to retain much that is considered as of primary significance to the building's special architectural interest, whilst allowing a substantial investment to a rural public house.

APPLICATION DETAILS

This application seeks full planning permission for the extension of Miskin Arms Public House, Hensol Road, Miskin. The key aspects of the proposed works are as follows:

- Adding a new porch to the existing side extension. The new porch would be rendered to match and would measure 3.2m in depth by 2.3m in width. It would have a pitched roof design with a ridge height of 3.4m;
- Adding a large gable-fronted extension at a right angle to an existing off-shot. The new addition would measure 8.3m by 9.1 metres by a total of 6.7 metres in height;
- Addition of 4 air conditioning and ventilation units to rear off-shot wall;
- Removal of a modern rear porch located on the western (rear) elevation and the construction of a two-storey extension to accommodate an internal stairwell. The extension would project 8 metres off the main back wall and would measure 3.1m in width and 5.2m in height;
- Addition of frameless glazed balcony around rear extensions. The balcony would project 3.1m off the rear and side elevation of the extension. It would have a maximum height of 2.5m above the lowest ground level and would be enclosed by a 1.1m high balustrade;
- Replacement extraction hood and access deck to rear of building.

Internally, the layout would be reconfigured to achieve an open plan layout with a restaurant/bar area/kitchen area being located on the ground floor, living accommodation at first floor with toilet facilities and a store area in the cellar basement area.

The application is accompanied by the following:

- Design and Access Statement;
- Bat Survey.

A Listed Building application is also being considered under application number 15/1412/12, the report for which can be found earlier on this agenda.

SITE APPRAISAL

PLANNING HISTORY

06/2127	Miskin Arms, Hensol Road, Miskin, Pontyclun	Removal of Conditions 8 and 9 (04/0158/10) which relate to surfacing of a car park and construction of flexible vehicular foot way crossover.	Refused 08/08/07
04/0589		Extend the existing bar area.	Granted 27/08/04
04/0158		Extension to bar area.	Granted 30/07/04
99/2930		Extension and internal alterations to a public house.	Granted 10/03/00
75/0162		Conversion of barn into dining room with kitchen, toilet and store extension to existing licensed premises	Granted 03/06/75

PUBLICITY

The application has been advertised by direct neighbour notification, site notice and press notices.

One letter of objection has been received from a local resident and is summarised below:

- The writer notes that she lives opposite the public house and she has concern that a two-storey extension could possibly restrict sunlight to her property;
- Concern that the development could increase levels of noise and disturbance in the evenings;
- A question is raised regarding the appropriateness of a more 'hotel' type of use in the middle of an old village with a war memorial outside;
- The writer questions whether there is a sufficient amount of parking available?

CONSULTATION

Transportation Section:

No objection.

Land Reclamation and Engineering:	No objection.
Public Health & Protection;	No objection.
Natural Resources Wales:	No objection.
Dwr Cymru Welsh Water:	No objection but notes that the site is crossed by a public sewer.
Countryside, Landscape & Ecology:	No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is a Grade II Listed Building situated within the settlement boundary and the Miskin Conservation Area. The following policies are considered to be of relevance in the determination of this application:

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

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

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

Policy AW7 – provides criteria for the preservation and enhancement of sites of architectural or historical merit.

Policy AW8 - provides protection and enhancement of the natural environment

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

Supplementary Planning Guidance

- The Historic Built Environment;
- Design and Placemaking;
- Delivering Design and Placemaking: Access Circulation & Parking Requirements
- Nature Conservation.

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions),

Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), 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 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is situated in the settlement boundary where the principle of new development is acceptable. The main consideration in the determination of this application relate to whether or not the impact of the works are acceptable in terms of the special architectural and historical merit of the Listed Building and the Miskin Conservation Area. The impact of the proposal on residential amenity and highway safety are also main considerations of this development which involves an extension to the existing public house.

Impact on the character and appearance of the area

The proposed development essentially affects the character of the listed building in two ways. The impact of the internal alterations proposed to the building is however considered under a separate application for Listed Building Consent (15/1412).

Externally, the proposed extensions have been revised to sit beneath the horizon and within the footprint of existing offshoots and extensions. On the main approaches from New Mill Corner, Hensol Road and School Road, where the other group listed structures are located, the building remains unchanged aside from a new side porch to the annex. Only on the approach along Heol Miskin will the new building be visible alongside the existing three extensions. In this respect, the setting

will remain largely unchanged, as a tarmaced open-space with a cluster of modern buildings to the rear, in traditional form.

It should be noted that as the ground levels fall away to the rear of the public house, the proposed extension increases to two floors; which nonetheless do not exceed the ground floor level of the original building. The sub-floor level will therefore be largely unsighted in the setting.

In terms of design, the choice has been to adopt a policy of an 'honest intervention', rather than attempting a pastiche of a Victorian structure. The design choice has been to use frameless architectural glass, deep-set beneath pitched overhanging eaves to avoid reflection. Although the general form and massing of the new annex responds to the wider historic environment, it offers a subservient, yet high quality contemporary design, intended to contribute architecturally to the site, as it cannot be concealed.

The removal of a modern porch, the addition of a balcony and air conditioning units at the rear are considered as only visually affecting the later extensions due to their location and minimal extent. Therefore, the proposed development is considered to preserve the setting of the Grade II Listed Building and the character of the Miskin Conservation Area.

Impact on residential amenity and privacy

Although a letter of objection has been received to this application, it is not considered that the proposed extensions or decking area would have a significant impact on residential amenity. The objector notes that she lives opposite the pub and she has concern that a two-storey development could restrict sunlight to her property. However, the proposed extensions are located to the side and rear of the building and are offset from the boundaries with neighbouring properties. They are not considered to be in a location which would overshadow neighbouring properties and are therefore acceptable in this regard.

The concern raised regarding potential noise and disturbance from the public house in the evenings is also acknowledged. However, there is no change of use being considered as part of this application and matters such as statutory noise are dealt with under Public Health legislation. Furthermore, it is not considered that the impact resulting from the additional floor space proposed would be so materially different to the impact that would or could be experienced at present. The Council's Public Health Officer has also considered the application and has raised no objection, subject to conditions relating to a noise assessment of the refrigeration units and details of system to deal with cooking odours, fat, oil and grease (Condition 4 refers).

Consideration has been given to the impact of the rear stairwell extension and the raised balcony area on neighbouring properties. In this respect, it is noted that the residential properties to the south of the site would be most affected by this particular aspect of the scheme. The two-storey extension would be sited close to the common boundary with the residential property known as 'The Old Shop'. However,

the back wall of this property is set behind the rear elevation of the pub and therefore experiences an impact from the existing building at present. Although the proposed extension is quite substantial in length, it is located to the north of the sun's path and is not considered to have a significant overbearing or overshadowing impact which would be overly harmful to the amenities of this neighbouring property.

In terms of the raised balcony area, a 1.5m glazed obscured screen would be sited along the end of the balcony that lies in close proximity to neighbouring properties. It is considered that there is potential for some overlooking to neighbouring properties. However, the view would predominantly be to the very rear of the gardens and is not considered to result in a level of overlooking which would significantly detract from the amenities of neighbouring properties. As such, it is considered that the proposal would have an acceptable impact on residential amenity.

Access and highway safety

On consideration of the application, the Transportation Officer has noted that the car park is accessed off Heol Miskin to Hensol Road and no changes are proposed to this access. It has been assessed that vision splays at the junction between the car park and Hensol Road are below standard and this is a cause for concern. However, it is accepted that this is an existing situation and vehicles are likely to be doing less than 30mph due to the road geometry at this location and the development is therefore considered to be acceptable. In terms of parking and the comments made by the local resident, the Highway's Officer has noted that the existing building would require 28 spaces in line with the Council's SPG with 31 being provided. The building as extended would require 44 spaces with 45 being proposed. It is also noted that the proposal also provides 4 cycle spaces. Therefore, it is considered that the access and level of parking being provided is acceptable and no highway objections are raised to this application.

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.

Ecology

The Council's Ecologist has reviewed the bat survey submitted with the application and has noted it is an appropriate report which is based on a thorough building investigation. No evidence of bats was found and bat potential within parts of the building affected by works was assessed to be low. The Ecologist concludes that the assessment is reasonable and no objections are raised subject to a condition which includes the two recommendations made by the report which include, covering the glass roof in an appropriate film and the placing of two bat boxes in the garden (Condition 8 refers).

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

The sizeable investment in the original building and adjoining annexes demonstrates a significant commitment and a broadening of services that can only be considered as being of benefit to the building. The proposed alterations are considered to be acceptable and are not considered to adversely impact on the setting of the Listed Building or the character of the Conservation Area. Although an objection has been received from a local resident, the development is not considered to adversely impact upon the amenities of neighbouring properties and is also considered to be acceptable from a highway safety point of view.

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):

- 2211/PA/07A dated 12/11/15
- 2211/PA/08A dated 10/12/15
- 2211/PA/ 11A dated 12/11/15
- 2211/PA/14 A dated 12/11/15
- 2211/PA/18A dated 12/11/15
- 2211/PA/19A dated 12/11/15
- 2211/PA/03A dated 12/11/15
- 2211/PA/16A dated 12/11/15
- 2211/PA/09A dated 12/11/15
- 2211/PA/01 dated 19/10/15

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the approved plans, prior to the commencement of the development the design and detailed specification including finishing materials of the following shall be submitted to and approved in writing by the Local Planning Authority:

- architectural glass structures
- schedule for the repair, replacement or addition of windows
- rainwater goods
- ridge tiles
- glazed stair arrangement
- floor replacement and coverings
- external walling

The works shall be carried out strictly in accordance with these approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the commencement of the development, an assessment of the constant running of the refrigeration units along with the combined operating noise of the exhaust ventilation system on neighbouring properties shall be carried out in accordance with B.S. 4142 (as amended) and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of residential and environmental amenity in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the commencement of the development, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to the commencement of the development, hereby permitted, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

7. Prior to the commencement of the development, drainage arrangements shall be 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

8. The development shall be carried out in accordance with Section 9: Concluding Remarks and Recommendations of the Bat Scoping Survey dated November 2015 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No building 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.

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APPLICATION NO: 15/1460/16 (PB)
APPLICANT: Lewis Homes
DEVELOPMENT: Reserved matters for 74 no. dwellings, highways infrastructure and associated works
LOCATION: LAND ADJACENT TO THE MEADOWS, COEDEL, TONYREFAIL, PORTH, CF39 8BS
DATE REGISTERED: 02/11/2015
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: APPROVE

REASONS: The proposal is satisfactory in terms of its layout, scale, appearance and landscaping pursuant to outline planning permission for the residential development of this site granted in March 2013.

APPLICATION DETAILS

This is an application for approval of Reserved Matters for the development of 74 houses on land adjacent to The Meadows, Coedely. It is submitted pursuant to the outline planning permission granted on 22 March 2013 for the residential development of an area of land above The Meadows that incorporates this site (application reference: 11/0996). The proposed development is the second phase of residential development known as The Greens, the first phase comprising 54 dwellings having been granted planning permission on 22 March 2013 (application ref: 11/1001) and modified by a subsequent planning permission granted on 10 December 2015 (application ref: 14/1054).

The application seeks approval for the following Reserved Matters:

- Layout
- Scale
- Appearance
- Landscaping

Access was not reserved at the outline planning application stage therefore considered and subsequently approved as part of planning permission reference 11/0996. The details of the proposal in relation to the Reserved Matters are described below.

Layout

The proposed layout of Phase 2 is based around the loop road designed and approved as part of the outline planning permission. Dwellings are designed and sited so that they provide active frontage onto the road and will be set back to allow for the formation of attractive forecourt frontages and pathways off the road to the front doors of the dwellings. A green space will be provided along the flank of the private drive serving plots 55 to 58 and will provide a green gateway when entering this phase of the development.

The layout incorporates a zig-zag footpath link from the upper plateau of the site to the lower plateau adjacent to plots 62, 82 and 105, and areas of public open space is proposed to the south-west corner of the site and to the front of plots 106 to 112.

Scale

The scale of the development is similar to and reflects the existing residential surrounding the site and the approved scheme for the adjacent Phase 1 development. The proposed dwellings will be a maximum storeys and their overall scale will vary according to the number of bedrooms. Seven house types are proposed and the mix and specification are as follows

House type	Number of bedrooms	Number of units	Footprint (m sq)
Camara	2	30	62.1
Hyatt	3	18	86.18
Rochester	3	5	86.18
Burnaby	3	8	87.72
Shelby	4	2	110.73
Roxbury	4	6	125.8
Thornbury	4	5	131

Appearance

As with scale, the appearance of the development also will be similar to and reflective of existing and proposed neighbouring residential development. The exterior materials to be used will include a mix of red brick, off-white render and reconstituted stone, with slate grey roof tiles and red ridge tiles. In terms of boundary treatments, enclosures between dwellings will include 1.8m high close board fencing, and 0.9m high ball-top railings will be erected in front of plots 55 to 58. Due to the marked difference in levels across the site there will be a crib-lock retaining wall

between the upper and lower plateaux. Pavements in front of the dwellings will be finished in concrete paving slabs.

Landscaping

A landscaping plan accompanies the application and indicates that proposed planting will be predominantly consist of evergreen shrub species providing all year cover and ornamental trees which provide strong visual focal points and/or autumnal interest. The scheme has been designed so that on maturity shrubs will require minimal maintenance/management and will not become too big for their location. Native trees are incorporated into rear gardens wherever possible to provide landscape structure/screening and encourage wildlife.

The application is accompanied by a Design and Access Statement that sets and explains the design principles in more detail.

SITE APPRAISAL

The application site has an area of 2.63 hectares and comprises part of three agricultural fields of improved pasture located at the eastern side of Coedely. The boundary of each field is defined by its own established hedgerow. The land is steeply sloping uphill from the rear of the existing adjacent residential development at The Meadows. The application site is therefore located on the edge of settlement in an elevated position with views across the Ely valley to the south of Tonyrefail. The Gwern Heulog and The Meadows residential developments lie directly to the south and the remainder of the application site is surrounded by farmland and areas designated in the Rhondda Cynon Taf Local Development Plan as Special Landscape Areas.

PLANNING HISTORY

11/0996	Land adjacent 'The Meadows', Coedely, Tonyrefail.	Residential development (outline)	Approved 22/03/2013
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PUBLICITY

The application has been the subject of neighbour notification, site notices and a press notice.

13 letters and emails of representation have been received from members of the public and Tonyrefail and District Community Council objecting to the development on the following grounds:

- Unsatisfactory access serving site is incapable of accommodating additional traffic that will be generated by the development.
- On street parking congestion along the access route and surrounds.
- Development will place additional demands on local services, such as doctors and GP surgeries, which are already struggling to cope

- Nearest public transport link is a considerable distance from the site
- Alternative brownfield sites and properties in the area that require refurbishment that can fulfil the housing need without loss of precious green field areas.
- Risk of flooding, poor drainage and low water pressure problems.
- Nuisance, dust, noise and disturbance and danger from construction activities, including construction traffic, during prolonged construction period.

CONSULTATION

Transportation Section – no objection.

Flood Risk Management – drainage details required for approval prior to development.

Public Health and Protection – no objections.

Natural Resources Wales – no objection.

Wales and West Utilities –indicates the location of its gas supply apparatus in relation to the site.

South Wales Police – offer advice in designing out crime.

Parks, Countryside and Ecology – comments on the landscaping proposals and offers recommendations as to the way they might be improved

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the settlement boundary of the key settlement of Tonyrefail, and is allocated for residential development

Policy CS2 emphasises sustainable growth that benefits the whole plan area to be achieved partly by residential development in key settlements (1) and partly by focussing development within settlement boundaries (2).

Policy AW1 defines the housing land supply, to be met partly from the allocations in the Plan (1).

Policy AW2 promotes development in sustainable locations, which include sites within settlement boundaries (1) and sites that support the roles and functions of key settlements (6).

Policy AW4 seeks the provision of infrastructure through planning obligations

Policy AW5 specifies criteria for new development. It requires new development to have an acceptable impact on the character and appearance of the site and surrounding area, no significant impact on the amenities of neighbouring occupiers, retention of site features of natural environmental value, to design out opportunity for crime and to have good access.

Policy AW6 supports development proposals which meet a number of design and place-making criteria.

Policy AW8 seeks to preserve and enhance the natural environment by protecting it from inappropriate development.

Policy AW10 seeks the protection of environmental and public health and does not permit development proposals where they would cause or result in a risk of unacceptable harm to health and / or local amenity because of issues such as contamination, flooding, land instability, pollution, etc, unless they can be adequately mitigated or overcome.

Policy AW14 safeguards from development the resources of sandstone.

Policy SSA4 gives criteria for development in Tonyrefail.

Policy SSA10.7 allocates an area including the application site for development of 150 dwellings.

Policy SSA11 seeks a minimum density of 35 dwellings per hectare (dph), and gives criteria for accepting lower densities.

Policy SSA23 requires the highest standard of design in the Special Landscape Area.

In addition to these policies the following adopted Supplementary Planning Guidance is relevant to the consideration of the application:

‘Design and Placemaking’

‘Affordable Housing’

‘Nature Conservation’

‘Delivering Design and Placemaking: Access, Circulation and Parking Requirements’

‘Planning Obligations’

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 Edition 8, January 2016

Chapter 2 (Development Plans),

Chapter 4 (Planning for Sustainability),

Chapter 5 (Conserving and Improving Natural Heritage and the Coast),

Chapter 8 (Transport),

Chapter 9 (Housing) 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 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

At the outset it is important to emphasise that this is an application for the approval of reserved matters pursuant to the grant of outline planning permission for residential development of the site in March 2013 (application ref: 11/0996). The principle of residential development is firmly established by that grant of outline permission and therefore not a consideration to be revisited in the determination of this application. Notwithstanding, there is local opposition to the residential development of the land, as expressed in the representations received from members of the public and Tonyrefail and Gilfach Goch Community Council. The chief concerns expressed in the representations are summarised earlier in this report and primarily relate to the need for the development, adequacy of the access, parking congestion, pressure on local services and facilities, and drainage issues. These issues and others figured prominently in the consideration of the outline planning application for residential development of this site, and are addressed by conditions attached to the consent and by the comprehensive package of obligations in the Section 106 Agreement secured as part of that consent.

Access

Although access issues were considered at the outline planning application stage it is worth reiterating several points in response to the concerns expressed by members of the public. In terms of the access leading to the site the visibility at the junction of Gwern Heulog with Tylcha Fach is acknowledged as being substandard. However, the outline planning permission (app ref: 11/0996) conditioned improvements to be undertaken to the junction prior to the beneficial occupation of any dwellings (condition 6). The Transportation Section has advised that the improvements have received technical approval and the developer has entered into an agreement under Section 111 of the Local Government Act 1972 and Section 278 of the Highways Act 1980 in order to implement the works. Parking provision is in accordance with the Council's Supplementary Planning Guidance '*Access, Circulation and Parking*' (March 2011). Also, the internal road layout, pedestrian permeability and connectivity, and emergency access of the proposed development are considered adequate. In light of the above and highway conditions attached at the outline stage there is no highway objection to the proposal.

Layout, Scale, Appearance and Landscaping

The details of the layout, scale and appearance of the development in the submitted proposals are described earlier in this report. Suffice to say the proposals reflect the design landscaping principles of the overall development established at the outline planning stage. The development will compliment the proposed adjacent development of 54 dwellings which it is understood will soon commence as the first phase of The Greens development. There is no objection to the reserved matters in so far as they relate to layout, scale, appearance and landscaping.

OTHER ISSUES

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, as the application is for approval of Reserved Matters pursuant to an outline planning permission granted before the introduction of CIL, no CIL is payable.

Conclusion

The proposal is satisfactory in terms of its layout, scale, appearance and landscaping pursuant to outline planning permission for the residential development of this site granted in March 2013.

RECOMMENDATION: Grant

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

21 JANUARY 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File