

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-2016:**

**DEVELOPMENT CONTROL  
COMMITTEE  
17 MARCH 2016**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No.4</b>
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

1. Application No: 15/1514 - Change of use of ground floor from D1 non-residential institution (training centre) to an A3 pizza takeaway, Offices, 4 High Street, Aberdare
2. Application No: 15/1597 - First floor extension over existing kitchen, 16 Meadow Street, Treforest, Pontypridd
3. Application No: 15/1621 - Development of 14 no. residential dwellings (flats) and associated works, Appletree Avenue, Dinas, Tonypany
4. Application No: 15/1625 - Display of advertisement in conjunction with use of the building as marketing suite associated with residential development of land at The Green, Plot 10, Land adjacent to The Meadows, Gwern Heulog, Tonyrefail
5. Application No: 15/1631 - Construction of building to be used as a marketing suite for a period of up to 3 years in conjunction with associated residential development of land at The Greens, Plot 10, Land adjacent to The Meadows, Gwern Heulog, Tonyrefail
6. Application No: 15/1636 - Demolition of existing school buildings and the erection of 25 residential dwellings with associated landscaping, car parking and associated works (amended plans received 26/01/16), Williamstown Primary School, Arthur Street, Williamstown, Tonypany

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## APPLICATIONS RECOMMENDED FOR APPROVAL

**APPLICATION NO:** 15/1514/10 (MF)  
**APPLICANT:** Mr M Besli  
**DEVELOPMENT:** Change of use of ground floor from D1 non-residential institution (training centre) to an A3 pizza takeaway  
**LOCATION:** OFFICES, 4 HIGH STREET, ABERDARE, CF44 7AA  
**DATE REGISTERED:** 23/12/2015  
**ELECTORAL DIVISION:** Aberdare East

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the change of use is acceptable and it is not considered that the proposed use would have a significant impact upon the amenity of the neighbouring properties or highway safety in the vicinity of the site.

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### REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee by the request of Councillors Bradwick and Forey in order to assess the impact of the proposed use upon the amenity of the surrounding neighbours and to consider whether the introduction of a further takeaway in the town centre would lead to a proliferation of A3 uses in Aberdare.

### APPLICATION DETAILS

Full planning permission is sought for the change of use of the ground floor of 4 High Street, Aberdare from a training centre (D1), to a hot food takeaway (A3). The change of use would be undertaken wholly within the building itself with the existing shop front and access being retained. The only external alteration proposed is the installation of an extraction flue to the properties rear elevation that would not project above the ridgeline of the building.

The applicant has indicated that the premise would be open to members of the public between the hours of 4pm to 12pm Mondays to Fridays, 4pm to 1am on Saturdays, and 4pm to 11pm on Sundays and Bank Holidays. The business would employ 2 full time members of staff.

The application is accompanied by the following:

- Design and Access Statement.

### SITE APPRAISAL

The application property is a three-storey, mid-terraced commercial building located on one of the main streets through Aberdare town centre. The unit was previously occupied by a training centre but has been vacant since January 2014. The property benefits from a traditional timber shop front at ground floor level, having a more residential appearance above. Being in a town centre location, there are a variety of

differing uses within the vicinity of the site with the adjoining units operating as hairdressers and a further hot food takeaway respectively.

## PLANNING HISTORY

Previous planning applications submitted at the application site:

15/153	3-4 High Street, Aberdare	Change of use from Class B1 (offices) to 2 no. 2 bedroom flats on the first and second floors.	Not yet determined
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## PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices, and a press notice. No representations have been received.

## CONSULTATION

Transportation Section – No objection.

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

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 Aberdare and is within both the Aberdare Retail Centre and Aberdare Conservation Area.

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

**Policy AW2** – states that development 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** – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

**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 NSA1** – identifies the criteria for assessment of residential and commercial development within the defined town centre of Aberdare.

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

**Policy NSA18** – identifies the retail hierarchy for the Northern Strategy Area with Aberdare being classed as the Principle Town. Supports retail development and Class A uses in the retail centre of Aberdare that would maintain or enhance its position at the top of the retail hierarchy.

**Policy NSA19** – considers retail development in Principle Towns. New and improved retail (Class A) facilities and other uses that are appropriate within the town centre will be permitted within the retail centre of Aberdare subject to certain criteria, including a limit of 25% on A2 and A3 units along the primary retail frontages.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- The Historic Built Environment;
- Design in Town Centres
- Access, Circulation and Parking;
- Shopfront Design.

### **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 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 10 (Planning for Retail and Town Centres) 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 4: Retailing and Town Centres;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design.

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Principle of the Proposed Development**

This application seeks the change of use of a commercial premise from a training centre (D1) to a hot food takeaway (A3). The unit is located within the retail centre of Aberdare where Policy NSA18 permits proposals for retail uses (Class A) providing the use maintains or enhances the centre's position in the retail hierarchy. It is noted that Policy NSA19 states that the number, frontage length and distribution of A2 and A3 uses in the primary retail frontage should not exceed 25% of total premises, however, the application property is not located within the primary retail frontage and therefore this criterion is not relevant to this application. The policy does state however that A2 and A3 uses in the remainder of the retail centre should not become 'over concentrated', but there is no definition as to what would lead to an over concentration so the determination of this would simply be a matter of judgment.

Therefore, with Policy NSA19 in mind, the application property lies within a short row of 4 commercial properties, somewhat isolated from the rest of the retail centre with 2 of the units are already in A3 use, Freya's Fish Bar and Wetherspoons, and the other operating under A1 as a hairdressing salon. Consequently, given the peripheral position of the premise in respect to the main retail centre of the town, it is considered the proposed change of use to A3 would make little significant difference to the established pattern of uses in the locality and would not have a detrimental impact upon the retail centre as a whole.

It is also noted that there is a higher than average vacancy rate in Aberdare of 12.7%, therefore the change of use will make a valuable contribution to the local area and complies with the objectives of Policy CS1 which seeks to promote sustainable growth within the northern strategy area. Accordingly the change of use, in principle, is considered to be acceptable subject to the criteria set out below.

### **Visual Impact**

As previously detailed, the conversion would be undertaken wholly within the fabric of the existing building apart from the installation of an extraction flue to the rear elevation. The new flue would not be visible from the highway, but only from the rear of the adjoining commercial properties, one of which has a similar flue structure to that proposed attached to its rear elevation. As such, it is not considered there would be any undue impact upon the visual amenity of the surrounding area or the wider Conservation Area, a view which is shared by the Council's Conservation Officer who raised no objections to the application following consultation. The proposal is therefore considered acceptable in this respect.

## **Residential Amenity**

The proposal will utilise an existing commercial unit that is located within a terrace of commercial properties in the retail centre of the town. As such, the majority of surrounding properties are commercial in nature including both adjoining properties, one of which operates as a similar hot food takeaway to that proposed. It is therefore considered that any potential impact in respect of amenity would mainly occur upon business premises and given the fact the application premise would only be open during the evening when most surrounding properties are closed, other than the nearby similar uses, it is not considered that the change of use would significantly affect the operation of the existing neighbouring businesses. It is also noted that no letters of objection have been received from residents of the surrounding properties following the consultation process.

It is noted that a further planning application has been submitted at the property that has not yet been determined and proposes the conversion of the upper floors of the building to 2 residential flats. As such, there will inevitably be a degree of impact upon amenity of the occupiers of these properties given the fact that they will be living above a commercial premise that will be open late in to the evening. However, the adjacent properties have operated under similar uses to that proposed for some time and these operations have not resulted in any complaints by neighbouring properties. Therefore, it is not considered the proposal to operate a further A3 use in the terrace row will significantly alter the current level of disturbance with customer comings and goings being similar in number to that which would have previously existed, albeit spread across 3 properties instead of the current 2. As such, it is not considered that the proposed change of use would have any further impact upon the amenity of the proposed flats, should they be approved, or would encourage any further anti-social behaviour in the area in comparison to that which already occurs. It is also considered that within retail areas there is a general level of activity that is greater than that in solely residential areas and residents residing in such areas accept that this is a consequence of living in a town centre.

Consequently, whilst it is acknowledged that there will inevitably be a degree of impact from the additional takeaway in this respect, on balance, it is not considered that the proposed operation of the unit under Class A3 would result in the amenity of the occupiers of the surrounding properties being materially affected to a degree that would warrant refusal of the application. It is also noted that in their observations to the proposal, no adverse comments have been received from the Council's Public Health and Protection Division in this respect. It is however considered a condition should be added to any consent to restrict the opening hours to that suggested by the applicant to ensure any potential impact is kept to a minimum.

In respect of the proposed flue, the Council's Public Health and Protection Division have commented that whilst they have no objections to the addition, insufficient information has been submitted to determine the level of noise that the extraction system would generate but accept that a suitable system could be installed at the property. Therefore a condition is suggested requesting the full details of the

proposed extraction system be submitted to and approved by the Local Planning Authority prior to the operation of the proposed use.

The Public Health and Protection Division also suggested that a further condition be added to any consent requesting full details of a system to be installed that will ensure no fat, oil and grease enters the public sewerage system prior to operation of the proposed use.

Subsequently, in light of the above assessment, the application is considered acceptable in this regard, subject to the conditions detailed below.

### **Highway Safety**

Following consultation, the Council's Transportation Section commented that the property is located in a sustainable location within the Aberdare retail centre, close to various public transport hubs and local amenities, as well as a public car park sited opposite. Further, it is noted that there is a loading bay within 10 metres of the site outside the Wetherspoons public house which will allow the property to be serviced without unduly affecting highway safety. Subsequently no highway objections have been raised or conditions suggested.

It is therefore considered that the development would not have any adverse impact in regards to pedestrian or highway safety in the vicinity of the site.

### **Other Issues**

It is also noted that no objections were received from Dwr Cymru Welsh Water subject to standard conditions and advice.

### **Community Infrastructure Levy (CIL) Liability**

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

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

### **Conclusion**

The application represents an appropriate change of use of an existing commercial premise within a town centre location. Furthermore, it is not considered the use would have a significant impact upon the amenity of the surrounding properties or upon highway safety in the vicinity of the property. 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;
  - 4-CF447AA-KBH-1
  - 3-4/CF447AA-KBH-7
  - 4-CF447AA-KBH-4
  - 3-4/CF447AA-KBH-6
  - 4-CF447AA-KBH-2

and documents received by the Local Planning Authority on 18/11/15, 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. Prior to commencement of any development on site, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

4. Prior to commencement of any development on site, 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 prior to the beneficial operation of the business and shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the foul drainage system in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The uses, hereby approved, shall not operate outside the following hours:
  - 08:00 to 00:00 Mondays to Fridays;
  - 08:00 to 01:00 on Saturdays;
  - 08:00 to 23:00 on Sundays or Bank Holidays.

Reason: In the interests of neighbour amenity and in accordance with

Policies AW5 and AW10 of the Rhondda Cynon Taf local Development plan.

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<b>APPLICATION NO:</b>	<b>15/1597/10</b>	<b>(GH)</b>
<b>APPLICANT:</b>	<b>Mr M Powell</b>	
<b>DEVELOPMENT:</b>	First floor extension over existing kitchen.	
<b>LOCATION:</b>	<b>16 MEADOW STREET, TREFOREST, PONTYPRIDD, CF37 1SR</b>	
<b>DATE REGISTERED:</b>	<b>16/02/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Treforest</b>	

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**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.**

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

This application is presented to members for determination following the receipt of the three letters of objection.

#### **APPLICATION DETAILS**

Full planning consent is sought to erect a first floor rear extension at 16 Meadow Street, Treforest.

The proposed development would be built above part of the existing ground floor extension, and although it would maintain the same 3.5m width as that below, it would be only be to a depth of 3.6m.

The roof would be constructed as a twin pitch, with a 7.4m high ridge line arranged perpendicular to the main, and a 5.6m eaves height both consistent with and tying in to the existing. The new rear facing gable end would be fitted with a single uPVC casement window to serve the additional bedroom space.

With regard to materials, it is proposed that the roof tiles would be of a matching interlocking concrete type with uPVC fascias, and the elevations finished with roughcast render to match.

#### **SITE APPRAISAL**

The application property is a Victorian mid-terraced house, located within a residential area towards the south-eastern end of Treforest.

With a principal elevation consisting of dressed stone and contrasting brick detailing to the window cills, rebates and stringer course; the house is surrounded by properties of similar appearance and immediately fronts the highway to the west.

At the rear of the dwelling, which benefits from an additional access via an adopted service lane, the level rear yard extends to a minimum depth of 5.25m, and the extant single storey extension is visible. Like many of the neighbouring houses, the rear elevations are rendered.

It was noted during the site visit that most, if not all, of the houses on the western side of Meadow Street have single storey rear extensions. At least five other properties have two storey extensions, including the attached property to the south.

Neighbouring properties are located immediately to the north and south, 11m to the east, and between 13m and 17m to the rear.

## **PLANNING HISTORY**

There are no recent applications on record associated with this site

## **PUBLICITY**

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

Three letters of objection or representation have been received, including the neighbouring properties either side of the application site, raising concerns about the effect on light, parking, access, noise, health and setting a precedent. These issues are considered within the body of the text further below.

## **CONSULTATION**

### **Countryside:**

There are no relevant SewBrec Records of Statutory Protected Species from the immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

No other consultation responses have been received.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Treforest

**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 extension of an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.

#### **Impact on the character and appearance of the area**

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

The rear elevations of the application site and surrounding residential properties, located along Meadow Street and Raymond Terrace, can be seen from the single-width adopted lane, which provides access to back yards.

Unlike the street scene to the front of the dwelling, which exhibits a strong sense of uniformity and rhythm, the rear views are characterised by a variety of boundary walls and fences, and rear extensions of differing size, design and finish; including two-storey development.

One of the objections relates to a concern that the proposed development could 'set a bench mark' or precedent. Nonetheless given the context of the existing built

environment, which already includes two storey extensions, and the requirement that applications should be judged on their own merit, this is not considered to be of great material weight.

Furthermore, the first floor extension is quite modest in scale, and would be within the footprint of the ground floor accommodation. When set against the combined mass of the property and its adjoining neighbours, the extension would be of minimal consequence.

Lastly, the straightforward design of the extension, with pitched roof and at part-width, is judged to be acceptable. It replicates the traditional layout of rear offshots often found and associated with Victorian terraced dwellings.

As such, it is considered that the proposals will not detract from the character or appearance of the 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:

In respect of the objections concerning the impact on light, whilst this is not a material concern per se and is controlled by other legislation, an unacceptable degree of overshadowing would be relevant. In this context, the objection from the neighbouring property to the south, no. 17 Meadow Street, was considered.

However, regarding the orientation of the objector's own two storey offshot and additional single storey extension, the latter is wider than the offshot and both are deeper than the proposed extension next door. Consequently it would appear that any overshadowing to the remaining rear windows would be largely self-inflicted. Indeed, it could be argued that the objector's extension also overshadows the application property.

The objector has noted that the noise and dust from construction of the extension would cause detriment to her and her pet's health and amenity; and would prevent washing being dried. Given the modest scale of the works, that the period of construction would be short term and that a degree of redevelopment, including demolition and rebuilding could be undertaken within permitted rights; these comments are considered to be unreasonable and of limited material concern.

Regarding the property on the opposite side, no. 15 Meadow Street, the resident has also referred to an impact on light. Whilst it is possible that some overshadowing may occur to a first floor landing window, any impact is mitigated by the extension being part width, of limited depth and set back from the boundary.

Finally, two of the objectors make reference to the limited availability of on-street parking, being exacerbated by the high level of neighbouring multiple occupiers; and subsequently that the occupier of an additional bedroom could add further strain.

Nevertheless Meadow Street is subject to parking restriction and management, and regardless of the potential tenancy of a property and any correlation between levels of vehicle ownership and household types, or not; the nature of the Victorian built environment means that parking issues are somewhat inevitable.

On balance, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

### **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 significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. 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 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 numbers 15/02, 15/03 and 15/04 and documents received by the Local Planning Authority on 11th December 2015 and 16th February 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The external materials of the proposed extension shall match as near as possible the materials of the existing rear elevations.

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

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**APPLICATION NO:** 15/1621/10 (JAW)  
**APPLICANT:** RCT Homes  
**DEVELOPMENT:** Development of 14 no. residential dwellings (flats) and associated works.  
**LOCATION:** APPLETREE AVENUE, DINAS, TONYPANDY, CF40 1JH  
**DATE REGISTERED:** 06/01/2016  
**ELECTORAL DIVISION:** Porth

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

**REASONS:** The principle of the proposed development is considered acceptable.

The proposal is in keeping with policies AW1, AW2, AW5, AW6, AW10 and NSA12 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on residential amenity of surrounding properties as well as highway safety and parking.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to Service Director Planning.

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of fourteen residential dwellings (flats) on land at Appletree Avenue, Dinas.

The proposed development will be split into two areas:

A northern block which will comprise four two storey buildings, with one flat per floor, each flat having its own access.

- Three of the buildings will measure 8.1m wide by 7.8m deep and will house flats 7-8, 9-10 and 13-14 all 1-bed flats.
- One building will measure 9.8m wide by 8.4m deep and will house flats 11 and 12, which will be 2-bed flats.

All four buildings will be 8m high to their ridge.

The southern block will comprise three linked two storey buildings with an L-shaped layout, with one 1-bed flat per floor, each with its own access (flats 1 - 6). The buildings will be split level and each building will be approximately 8m wide by 7.6m deep and 8m high to their ridge.

The external materials will include rendered and face brick walls and a tiled roof.

Vehicular access into the site is attained from the A4058 via the existing access Appletree Avenue.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement
- Tree Survey
- Ground Investigation Report
- Drain Camera Survey

## **SITE APPRAISAL**

The application site comprises an irregular parcel of land measuring approximately 1.44ha in area and previously housed (recently demolished) two disused four/five storey rectangular blocks of flats (Nos. 7-21 and 22-35 Appletree Avenue) situated in the central region of the site. There is a row of 7 garages located at the western and north-eastern site boundaries, which are also proposed to be demolished.

The site is in an established residential area, comprising a short terrace of six dwellings to the north eastern boundary, to the south east is a two storey building housing 8 flats. There is also a terrace of dwellings (New Cottages) to the south west. The site abuts the Rhondda Fawr River to the north and is bounded by a steep slope to the south, on which the A4058 Dinas Road is located at a higher level. The recreational field at Dinas Park is located immediately to the west of the site.

## **PLANNING HISTORY**

14/1675 Prior notification of proposed demolition of residential blocks 7-21 and 22-35  
Granted 29/01/15

## **PUBLICITY**

The application has been advertised by direct notification letters and site notices. One letter of objection has been received raising the following concerns:

- Insufficient parking for existing residents and issues with parking on Saturdays when football games are being played on the adjacent field.
- Strongly disagree with proposed bicycle sheds which could attract the younger element to congregate and lead to anti-social behaviour;
- No consideration for disabled residents in the application;
- There is flooding in the area; and
- Developer has only liaised with existing residents with a consultation in Morrison's Food store in Porth.

## **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 conditions

Natural Resources Wales – no objection subject to conditions.

Welsh Water – no objection subject to conditions and advisory notes. Advises that the site is crossed by a 4 inch distribution water main.

Western Power Distribution - no observations received

Wales and West Utilities – provides details of the location of their apparatus in the vicinity of the application site along with details of safe working practices to be adopted when working in the vicinity of it.

South Wales Fire and Rescue Services – no observations received

Countryside Section – no adverse comments received

Leisure Services - no observations received

Structural Engineer – no objection subject to conditions

Coal Authority – no objection subject to conditions

Police Authority – provides comments in respect of community safety and crime prevention.

Glamorgan-Gwent Archaeological Trust – no objection subject a condition and informative note.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

**Policy CS4** – housing requirements

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

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

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

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

**Policy AW7** – provides advice on development proposals which impact upon sites of archaeological importance.

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

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

**Policy NSA12** – Development within and adjacent to settlement boundaries.

Relevant Supplementary Planning Guidance:

1. Design and Placemaking
2. Affordable Housing
3. Planning Obligations
4. Access Circulation and Car Parking
5. Development of Flats

### **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 9 (Housing), Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

### **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.

The application site lies within settlement limits, in a predominantly residential area and previously housed two blocks of flats. As such, the principle of residential development is considered acceptable. Therefore, the key considerations in this case are whether the proposed redevelopment of the site for residential purposes will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety and parking.

## **Main Issues:**

### **Impact on the character and appearance of the area**

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

The siting, layout and orientation of the proposed buildings roughly reflect the previous arrangement within the site and the overall scale broadly reflects the existing residential dwellings/buildings within the vicinity. The proposal is to provide 14 units on an area of 1.14ha which is lower than the density of the recently demolished blocks. However, given the challenging site topography and other site constraints it is considered that 10 dwellings per hectare in this case is acceptable. The proposed finishing materials including render and face brick walls and a tiled roof is considered acceptable.

The proposed layout includes a small area of defensible space for both the northern and southern blocks. A bin storage area is provided for each flat which have been positioned to both ease transfer to refuse vehicles whilst minimising transfer distances for the occupiers of the flats and complies with Supplementary Planning Guidance: Development of Flats.

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

### **Impact on residential amenity and privacy**

With regards to the impact on neighbouring residential amenity, the proposed development will comprise two storey buildings that will be in keeping with the scale of the surrounding residential units. It is considered that the proposed development would not result in an unacceptable degree of overlooking or loss of privacy to occupiers of the surrounding residential units. Indeed in comparison with the recently demolished four/five storey flats blocks it is considered that the development would provide an attractive living environment for both existing and future residents. It is for these reasons it is considered that the development is compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

The proposed development is located off an existing highway, Appletree Avenue which has a carriageway width that varies between 5.6m at the access to a minimum of 5m within the site. Visibility onto Dinas Road, A4058 is in excess of the 2.4m x 40m required for a 30 mph speed limit. The proposal is therefore considered acceptable in terms of access and visibility considerations.

The proposal is to provide 14 flats which require a maximum of 18 parking spaces, including 2 visitor spaces. The proposal provides 19 spaces, including 3 visitor

spaces which accords with the requirements of Supplementary Planning Guide: Access, Circulation and Car Parking and is considered acceptable. It is also noted that the scheme will provide cycle parking and is located in close proximity of a bus route.

Concern has been raised that there is insufficient parking available for existing residents and there are issues with parking on Saturdays when football games are being played on the adjacent field.

It is acknowledged that there is limited parking provision for the existing surrounding units and there are parking issues as a result of the use of the adjacent football field, however, this was the case when the recently demolished flats were still in use. The previous use of the site required a maximum of 28 spaces with 14 provided. It is therefore considered that the proposed parking provision for the development is likely to be an improvement for the area when compared to the previous development. It is not for this application to address a shortage in parking for existing development that does not form part of this application.

On the basis of the above and subject to the imposition of conditions, it is considered that the development would not have a detrimental impact on the highway safety and free flow of traffic in the area and is compliant with the requirements of policy AW5 of the Rhondda Local Plan.

#### **Other Issues:**

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

#### **Site Investigation**

The application has been accompanied by a Site Investigation Report prepared by Johnson Poole and Bloomer Land Consultants dated November 2015, which acknowledges that further investigation work will be required when the two residential blocks on the site have been demolished. The report has been examined by the Council's Contaminated Land Officer, the Coal Authority, Natural Resources Wales and the Council's Structural Engineer who have raised no objection subject to further site investigations taking place. It is recommended that the standard site investigation condition is applied and the additional investigation work set-out by the statutory consultees is relayed to the applicant by informative notes. All these matters will need to be fully addressed to enable compliance with the site investigation condition.

#### **Drainage**

Concern has been raised by a local resident that there is flooding in the area. A drain camera survey has been received with the application. No objection has been received to the development from Welsh Water and the Council's Drainage Officer subject to conditions.

### **Trees**

A Tree Survey has been received which advises that due to high risk to established trees within the site during construction works it is recommended protective fencing is installed prior to commencement of any works on site. A condition is recommended to require the provision of protective fencing for existing trees.

### **Public Health and Protection**

The issue of contaminated land has been addressed above. The Council's Public Health and Protection Section have also suggested a number of conditions /informative notes relating to the potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that matters such as, noise, dust and disposal of waste can be more effectively controlled by other legislation with an appropriate Informative being added to any permission notifying the applicant/developer of the need to comply with legislation.

### **Glamorgan Gwent Archaeological Trust**

The site is located on the site of the Dinas –isaf Pit, believed to be the first shaft in the Rhondda Valley. It is possible that fragments of brick noted in the geotechnical reports are indicative of below ground remains. As a result, it is possible that archaeologically significant remains may be encountered during the course of development. It is therefore recommended that a condition is applied to any permission to require a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

### **Concerns of a local resident not addressed above**

There is no evidence to suggest that the provision of communal cycle parking areas would attract the younger element to congregate leading to anti-social behaviour. Should such a problem occur it would be for the landlord of the flats to manage and address any such problem.

The concern raised that no consideration for disabled residents has been given in the application is noted. The ground floor of the units have been designed as far as practicable to provide ease of access for all taking into account the constraints of the topography of the site. The applicant has advised that the requirements of Lifetimes Homes has been followed and levels determined such that pedestrian approach routes to ground floor entrances from the highways and between parking spaces are to minimum gradients.

The concern that the developer has only liaised with existing residents with a consultation in Morrison's Food Store in Porth is not a material planning consideration. There is no requirement for pre-application consultation to be undertaken with neighbouring residential properties, although this is good practice. In this case it is evident that the applicant consulted with residents prior to submitting the planning application.

## **Community Infrastructure Levy (CIL) Liability**

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

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

## **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 it is proposed that all of the dwellings are of social rented tenure. The developer will be required to enter into a Section 106 Agreement to ensure that all of the properties are retained for social rented purposes in perpetuity.

## **Conclusion**

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

**RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

- Location Plan Drawing No. (00)01 received 18th December 2015
- Site Plan as Proposed (Topo Survey Based) Drawing No. (04) 100 Rev. C received 18th December 2015
- North Block Elevations 1 Drawing No. (04) 202 Rev. A received 18th December 2015
- North Block Elevations 2 Drawing No. (04) 203 A Rev A received 18th December 2015
- North Block Floor Plan Drawing No. (04) 201 Rev A received 18th December 2015
- South Block Elevations 1 Drawing No. (04) 102 Rev. A received 18th December 2015
- South Block Elevations 2 Drawing No. (04) 103 A Rev A received 18th December 2015
- South Block Floor Plan Drawing No. (04)101 Rev A received 18th December 2015

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No building operations shall be commenced until samples of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

4. No development shall take place until drainage arrangements for foul and surface water have been submitted to and approved in writing by the Local Planning Authority. No flat 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. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- 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.
  - 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.
  - A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

6. 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 buildings are first occupied. Development shall be carried out in accordance with the

approved details.

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

7. Notwithstanding the submitted layout plan, full engineering design and details of the works to the public highway including link footpath, vehicular crossover's and pedestrian dropped kerb shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be fully implemented prior to the development first being brought into beneficial use.

Reason: To ensure that the site can be suitably accessed using sustainable modes of transport in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. 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:
  - a) the means of access into the site for all construction traffic;
  - b) the parking of vehicles of site operatives and visitors;
  - c) the management of vehicular and pedestrian traffic;
  - d) loading and unloading of plant and materials;
  - e) storage of plant and materials used in constructing the development;
  - f) wheel cleansing facilities; and
  - g) the sheeting of lorries leaving the site.

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.

9. No development shall commence until a method statement for construction based on BS:5837 trees in relation to construction has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved method statement.

Reason: To afford protection to the trees within the site in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until details of the proposed covered cycle storage areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

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

11. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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 in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>15/1625/01</b>	<b>(PB)</b>
<b>APPLICANT:</b>	<b>Lewis Homes</b>	
<b>DEVELOPMENT:</b>	Display of advertisement in conjunction with use of the building as marketing suite associated with residential development of land at The Green.	
<b>LOCATION:</b>	<b>PLOT 10, LAND ADJACENT TO THE MEADOWS, GWERN HEULOG, TONYREFAIL</b>	
<b>DATE REGISTERED:</b>	<b>26/01/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Tonyrefail East</b>	

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**RECOMMENDATION: Approve**

**REASONS: The advertisement sign is in connection with the temporary use of a garage building as a marketing suite in association with residential development of land. The sign is acceptable because it will not give rise to any significant issues in terms of its consequences for local amenity and public safety.**

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**REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Wasley for the matter to come to Committee for reason of his substantive concerns that the ground/land remedial works within the Mining Report have not yet been addressed.

**APPLICATION DETAILS**

This application seeks express consent to display an advertisement in conjunction with the use of a building as a marketing suite (sales office) associated with residential development of land known as 'The Highlands' Coedely.

The proposed advertisement will be a fascia sign erected above the entrance doors and across the width of the front of the building. The advertisement will be non-illuminated and will measure 6.4m in width by 0.8m in height; it will be erected 2.2m above ground level and project 0.1m from the face of the building. The

advertisement will comprise the wording 'Marketing Suite' plus an inset containing the applicant's company logo.

The building to which it is proposed to attach the advertisement sign is yet to be built though is the subject of a planning application for construction and temporary use as a marketing suite (reference number 15/1631) submitted in parallel with this application.

## **SITE APPRAISAL**

The application site is one plot within an area of 2.35 hectares with approval for residential development comprising 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.

A builder's construction compound and site office occupies part of the land at the site entrance. It has been present since the later stages of the now completed adjacent residential development.

## **PLANNING HISTORY**

15/1481	Plot 10, The Greens, Gwern Heulog, Coedely, Tonyrefail	Amendment to house type of app no. 11/1001 to substitute the approved 'Roxbury' house type and associated garage with the 'Thornbury' house type and associated garage approved elsewhere on the development.	Approved	09/12/2015
15/1460	Land adjacent to The Meadows, Coedely, Tonyrefail	Reserved Matters for 74 no. dwellings, highways infrastructure and associated works	Approved	27/01/2016
15/1362	Land adjacent to The Meadows, Gwern Heulog, Coedely, Tonyrefail	Non Material Amendment to remove conditions 29, 30 and 31 relating to Code for	Approved	10/11/2015

11/1001	Phase 1, The Greens, land adjacent to The Meadows, Coedely, Tonyrefail	Sustainable Homes Construction of 54 dwellings	Approved	22/03/13
11/0996	Land adjacent 'The Meadows', Coedely, Tonyrefail.	Residential development (outline)	Approved	22/03/13

## **PUBLICITY**

The application has been publicised by site notice on 1 February 2016.

No public response has been forthcoming.

## **CONSULTATION**

Transportation Section – No objection.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within settlement limits and is part of land allocated for residential.

**Policy SSA10.7** allocates land at Gwern Heulog, Coedely for the development of 150 dwellings.

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

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

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 7: Outdoor Advertisement Control

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues**

The material considerations in this case are the consequences of the proposed outdoor advertisement for the interests of:

- **Amenity**
- **Public safety**

### **Amenity**

The proposed advertisement is clearly aimed at identifying the location and use of the building as a temporary sales office in conjunction with the residential development of land at this site. The sign will be proportional and relevant to the scale and use of the building. Also, the sign will be erected for a temporary period not exceeding three years whilst planned neighbouring residential development is built and progressively occupied, therefore will not spoil the character and appearance of the building and the surrounding area in the long term.

### **Public Safety**

The proposed advertisement sign will be non-illuminated and erected for a temporary period on a fascia set well back from the planned highway across the frontage of the site. Therefore the sign is considered unlikely to affect the safe use of the highway as it will be neither unduly conspicuous nor will it be sited in position where it might influence driver behaviour.

### **Other issues**

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended) therefore the CIL payment in this case is nil.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan, specifically policies AW5 and AW6, as it will involve the display of a temporary advertisement that will have no significant effects upon local amenity

and public safety. Accordingly, it is recommended that express consent be granted subject to the standard advertisement conditions set out below.

**RECOMMENDATION: Grant**

1. The development shall be carried out in accordance with the following approved plans received by the Local Planning Authority:

- The Greens, Tonyrefail, Plot 10 Application Site Location Plan – Drawing Number 1438/SLP-01/ Rev A.
- The Greens, Tonyrefail – Proposed Temporary Sales Office Plans & Elevations – Drawing Number 1438/SALES-01.

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

2. This consent shall expire five years from the date of this Notice.

Reason: Standard condition under the provisions of the above mentioned Regulations.

3. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. Where an advertisement is required under the above mentioned Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

6. No advert is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: Standard condition under the provisions of the above mentioned Regulations.

7. Any existing advertisements on the premises shall be permanently removed prior to the display of the advertisements hereby approved.

Reason: To avoid visual clutter.

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<b>APPLICATION NO:</b>	<b>15/1631/10</b>	<b>(PB)</b>
<b>APPLICANT:</b>	<b>Lewis Homes</b>	
<b>DEVELOPMENT:</b>	Construction of building to be used as a marketing suite for a period of up to 3 years in conjunction with associated residential development of land at The Greens.	
<b>LOCATION:</b>	<b>PLOT 10, LAND ADJACENT TO THE MEADOWS, GWERN HEULOG, TONYREFAIL</b>	
<b>DATE REGISTERED:</b>	<b>26/01/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Tonyrefail East</b>	

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**RECOMMENDATION: Approve**

**REASONS:** The development will involve construction and use of a double garage and dwelling on Plot 10 as a marketing suite and show home for a temporary period of up to 3 years in conjunction with an associated housing development. The garage building will be to the same dimensions previously approved on the plot and therefore will have no difference in terms of visual impact. Any negative effects associated with its use for marketing activity in close proximity to neighbouring dwellings will be short-lived because upon cessation of the use the building will revert to being a domestic garage ancillary to the dwelling house on Plot 10.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

A request has been received from Councillor Wasley for the matter to come to Committee for reason of his substantive concerns that the ground/land remedial works within the Mining Report have not yet been addressed..

#### **APPLICATION DETAILS**

This application seeks full planning permission for the construction of a building for use for a temporary period of up to three years as a marketing suite in conjunction with the associated residential development land adjacent to The Meadows, Gwern Heulog, Coedely. The application plot lies within the Phase 2 element of The Highlands (also known as 'The Greens') development which benefits from outline planning permission (application ref: 11/1001) and subsequent approval of Reserved Matters (application ref: 15/1460). Under these permissions the current approved proposals for development on Plot 10 comprise a four bedroom house with detached double garage.

The proposal the subject of this application is to construct a building on Plot 10 to exactly the same dimensions and in the same position as the approved garage and for that building to be first used as a marketing suite by the applicant/housebulider in connection with remainder of the residential development of the site. It is anticipated

that the dwelling on the plot would be used as a show home during this period also. Upon expiration of the 3 years the marketing suite use would cease and the property revert back to its originally intended use as a domestic garage ancillary to the dwelling on plot 10.

The marketing suite building would measure 8.43m in length, by 6.645m in width, with a dual pitched roof to a height of 5.0m at the ridge and 2.3m to the eaves. The external finishes will be a mix of facing brickwork and render tiled roof, and entrance doors and windows on the front elevation. Internally, the building would be laid out as a sales office and reception area. Upon cessation of the marketing suite use the door and window openings would be capable of being re-fitted with garage doors.

The application is accompanied by a Design and Access Statement.

## **SITE APPRAISAL**

The application site is one plot within an area of 2.35 hectares with approval for residential development comprising 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**

15/1481	Plot 10, The Greens, Gwern Heulog, Coedely, Tonyrefail	Amendment to house type of app no. 11/1001 to substitute the approved 'Roxbury' house type and associated garage with the 'Thornbury' house type and associated garage approved elsewhere on the development.	Approved	09/12/2015
15/1460	Land adjacent to The Meadows, Coedely, Tonyrefail	Reserved Matters for 74 no. dwellings, highways infrastructure and associated works	Approved	27/01/2016
15/1362	Land adjacent to The Meadows, Gwern Heulog, Coedely, Tonyrefail	Non Material Amendment to remove conditions 29, 30 and 31 relating to Code for Sustainable Homes	Approved	10/11/2015

11/1001	Phase 1, The Greens, land adjacent to The Meadows, Coedely, Tonyrefail	Construction of 54 dwellings	Approved	22/03/13
11/0996	Land adjacent 'The Meadows', Coedely, Tonyrefail.	Residential development (outline)	Approved	22/03/13

## **PUBLICITY**

The application has been publicised by site notice on 1 February 2016.

No public response has been forthcoming.

## **CONSULTATION**

Transportation Section – No objection.

Drainage Section – reply waited

Public Health & Protection – No adverse comment.

Dwr Cymru/Welsh Water – No objection

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within settlement limits and is part of land allocated for residential.

**Policy SSA10.7** allocates land at Gwern Heulog, Coedely for the development of 150 dwellings.

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

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

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 7 (Economic Development), 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;  
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 lies within the settlement limits of Coedely as defined in the Local Development Plan and is allocated for residential development of 150 dwellings under policy SSA 10.7. Moreover, since 2015 planning permissions have been granted and remain extant for the residential development of the land in accordance the Local Development Plan allocation.

The current proposal merely seeks to construct a building within the curtilage of Plot 10 for use as a marketing suite (sales office) by the developer for the up to 3 years whilst the remainder of the site undergoes development. It is quite common for house-builders on sites of this scale to make temporary use of a dwelling and garage as show-house and sales office for marketing purposes during the ongoing construction a development. Once development reaches an advanced stage it is normal for the showroom and sales office to cease operation and the property to be sold and its use to revert back to a dwelling house. It is envisaged that the building on Plot 10 will be used entirely in this way. As the use would be temporary for the purposes of marketing the associated housing development, and will revert to domestic use upon cessation, there is no objection to the proposal as a matter of principle.

#### **Impact on the character and appearance of the area**

The proposed building will be constructed to identical dimensions to the double garage currently approved on Plot 10. The only difference externally will be the installation of shop/office style doorways and windows in the openings where the garage doors would otherwise be situated. These will be removed and garage doors

instated upon cessation of the marketing suite use. In these circumstances the visual impact of the development will differ very little compared with the approved garage.

### **Impact on residential amenity and privacy**

The use of the building as a marketing suite is likely to create a greater intensity of activity at the site in terms of the coming and going of sales staff and prospective purchasers of property, which might be impact on the residential character of the neighbourhood as the development progresses, especially once dwellings around Plot 10 are completed, sold and occupied. However, the marketing suite use will be a temporary one and will cease (or move to another part of the site) as development progresses, therefore any adverse impacts to the living conditions of neighbours will be short-lived and reversible.

### **Access and highway safety**

It is proposed to construct an hard standing in front of the proposed building that will provide off-street parking for at least 4 cars for use by sales staff and visitors. The Transportation Section has offered no objection, therefore the proposal is considered acceptable in terms of its accessibility and will have no undue consequences for highway safety safety.

### **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) therefore the CIL payment in this case is nil.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan, specifically policies AW5 and AW6, in that it will involve the development and use of a building on site for a marketing suite for a temporary period only of up to 3 years in conjunction with an associated housing development. The building will have very little visual impact and any negative effects associated with its use for marketing activity within the residential site will be short-lived. Either on or before the expiration of the temporary period the building will revert to use as a domestic garage ancillary to the dwelling house on Plot 10.

### **RECOMMENDATION: Grant**

1. The use of the building as a marketing suite (sales office) in conjunction with the associated residential development of land known as 'The Highlands' adjacent to The Meadows, Coedely. Tonyrefail shall discontinued no later than three years from the date of this permission. On or before 17 March 2019 the building shall revert to use as a domestic

garage ancillary to the dwelling house on Plot 10 in accordance with planning permission reference 11/1001 and as amended by minor modifications approved under application ref: 15/1481.

Reason: The use applied for is temporary only in conjunction with associated residential development of land, and the site is not appropriate for a permanent marketing suite (sales office) because of its close proximity to neighbouring residential development, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

2. The development shall be carried out in accordance with the following approved plans received by the Local Planning Authority:

- The Greens, Tonyrefail, Plot 10 Application Site Location Plan – Drawing Number 1438/SLP-01/ Rev A.
- The Greens, Tonyrefail – Proposed Temporary Sales Office Plans & Elevations – Drawing Number 1438/SALES-01.

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

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<b>APPLICATION NO:</b>	<b>15/1636/10 (HL)</b>
<b>APPLICANT:</b>	<b>Greenwich Communities Ltd</b>
<b>DEVELOPMENT:</b>	Demolition of existing school buildings and the erection of 25 residential dwellings with associated landscaping, car parking and associated works (amended plans received 26/01/16)
<b>LOCATION:</b>	<b>WILLIAMSTOWN PRIMARY SCHOOL, ARTHUR STREET, WILLIAMSTOWN, TONYPANDY, CF40 1NZ</b>
<b>DATE REGISTERED:</b>	<b>05/01/2016</b>
<b>ELECTORAL DIVISION:</b>	<b>Penygraig</b>

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**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.**

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**REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to Service Director Planning.

**The principle of the proposed development**

The application seeks full planning permission for the demolition of the former primary school buildings and erection of 25 dwellings. The site is located within the defined settlement limits of Williamstown. The principle of residential development of the site has also been established by a Committee resolution to approve application 13/0447/10 which proposed the development of 23 dwellings on the site.

## **APPLICATION DETAILS**

Full planning permission is sought for the demolition of the existing vacant school buildings and the erection of 25 dwellings on land occupied by the former Williamstown Primary School, Arthur Street, Williamstown.

The development would comprise the following:

- Three No. two storey, detached three-bed dwellings;
- Eight No. two storey, semi detached three- bed dwellings;
- Twelve No. flats (ten No. one-bed and two No. two-bed); and
- Two No. semi detached two- bed bungalows.

The dwellings will be arranged across the site with Units 1 to 11 (all two storey dwellings) being outward facing, fronting Blanch Street and Coronation Street. Units 12 to 25 (flats and bungalows) would be arranged so that they front a new internal road, parking and turning area, new play ground and Arthur Street beyond.

Each of the two storey dwellings would benefit from a small courtyard garden to the front, a private rear garden and two off street parking spaces. The flats would benefit from a small area of amenity space to the rear of the buildings, detached bicycle and bin storage and at least one parking space per unit. Two visitor parking spaces are also proposed.

With regard to external materials, a mix of facing brick, reconstituted stone with grey concrete roof tiles and uPVC windows and doors are proposed. New boundary walls would be finished with block and render or reconstituted stone with hoop top railings above and timber fencing between garden areas.

Vehicular access to units 1-5 would be via Blanch Street, units 6-11 via Coronation Street and units 12-25 via a new highway leading from Arthur Street which. The existing layby areas on the north-eastern side of Arthur Street would be maintained.

All of the two storey dwellings (units 1-11) would be open market (44%) with units 12-25 being affordable (56%)

The application is accompanied by the following:

- Design and Access Statement;
- Bat Survey
- Extended Phase One Ecological Survey
- Site Investigation Report which includes an Envirocheck Report; Coal Authority Mining Report; Sample Borehole Logs; Laboratory Chemical Test Results (Soils); Laboratory Geotechnical Test Results; and Summary of Chemical Results of Made Ground.
- Drainage Strategy Statement; and
- Archaeological Photographic survey and record

## **SITE APPRAISAL**

The application site comprises the former Williamstown Primary School site, located to the north-east of Arthur Street the south-east of Coronation Street, the south west of Blanch Street and the north-west of School Street, Williamstown.

The site extends to approximately 0.51 hectares and accommodates a range of vacant school buildings and its associated grounds. The buildings are of stone construction with slate roofs. The site is considered to be previously developed/ brownfield land and at the time of inspection was in a poor state of repair.

The site slopes downwards from north-east to south-west (from Blanche Street to Arthur Street). The site is surrounded by residential properties which vary from terraced properties to semi-detached and detached dwellings. An existing children's play area is positioned in the north-western corner of the site, at the junction of Coronation Street and Arthur Street. The south-western and part of the south-eastern boundary is defined by a retaining wall adjacent to the public pavement of Arthur and School Street.

## **PLANNING HISTORY**

13/0447/10	Residential development to create 23 No. houses (Amended Plans Received 08.07.13)	Pending Decision subject to Section 106
16/0029/23	Prior approval for demolition of the former school buildings	Permission not required 09/02/2016

## **PUBLICITY**

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. Two letters of objection have been received and are summarised as follows:

- Parking for existing residents is already at a premium;
- Proposal will generate extra traffic;
- Highways in the area are already congested leading to larger vehicles mounting the pavements to manoeuvre around parked cars
- Construction vehicles will cause debris to be dropped on the road

## **CONSULTATION**

Transportation Section – no objections subject to conditions..

Public Health & Protection – no objections subject to conditions and informative notes relating to demolition, noise, dust, disposal of waste and lighting

Housing Strategy – no objections – the unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2014/2015.

Education – no objections there is sufficient capacity in local schools to admit new children.

Environmental Services (Parks) – no response received. However, as part of application 13/0447/10 no objection was raised subject to the proposed play area layout and design being approved by the Parks Section and adopted upon the payment of a commuted sum for the maintenance costs.

Natural Resources Wales – No objection subject to a condition requiring the developer to apply for a European Protected Species License.

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

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

Glamorgan Gwent Archaeological Trust – no objections. The report submitted meets the standards.

South Wales Police – no objections subject to a number of design principles being taken into consideration.

Wales and West – advice provided regarding the location of apparatus

## **POLICY CONTEXT**

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

### Rhondda Cynon Taf Local Development Plan

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

**Policy CS1** expresses the strategy for the northern area of the County Borough. The policy promotes the re-use of previously developed sites.

**Policy CS5** outlines the extent of the affordable housing requirement that needs to be delivered through the plan period.

**Policy AW1** identifies the supply of new housing that needs to be delivered during the plan period.

**Policy AW2** supports development in sustainable locations, such as sites within the settlement boundary, where development does not conflict with surrounding existing uses, which have access to sustainable transport options and have access to services.

**Policy AW4** identifies a range of areas for which contributions may be sought.

**Policy AW5** supports developments where they accord appropriately in terms of amenity and accessibility.

**Policy AW6** supports development which has a high standard of design and layout.

**Policy AW8** seeks to preserve and enhance the Borough's distinctive natural heritage.

**Policy AW10** development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity.

**Policy NSA10** refers to housing density, stating that residential development should be of a minimum of 30 dwellings per hectare.

**Policy NSA11** requires the provision of least 10% affordable housing on sites of 10 units or more

**Policy NSA12** supports housing development within and adjacent to the settlement boundary subject to criteria.

**Policy NSA16** refers to the re-development of redundant and/ or vacant industrial sites.

The following Supplementary Planning Guidance documents are also applicable,-

- Access, Circulation and Parking.
- Planning Obligations
- Design and Placemaking.
- Nature Conservation
- Affordable Housing
- Development of Flats

### **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); Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 16: Sport Recreation and Open Space;

PPW Technical Advice Note 18: Transport;

Manual for Streets

### **REASONS FOR REACHING THE RECOMMENDATION**

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 lies within settlement limits and in a predominantly residential area. As such, the principle of residential development is considered acceptable. This principle has been reinforced by a Committee resolution to approve application 13/0447/10 subject to a Section 106 agreement on 5<sup>th</sup> December 2013.

The key considerations with regards to the application are the impact of the proposed redevelopment of the site to provide 25 residential properties on the character and appearance of the surrounding area, impact on the residential amenities of neighbouring properties and highway safety.

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

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

#### **Principle of development**

The application site consists of a former primary school which forms part of the village of Williamstown. Under the provisions of the Local development Plan, the site is within settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its proximity to the Williamstown local centre which ensures that there are local facilities nearby. The development as proposed would generate a density of 49 dwelling per hectare and is therefore compliant with the requirements of policy NSA10 of the Rhondda Cynon Taf Local Development Plan.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policies CS1, AW1, AW2, AW6, NSA10 and NSA12 which seek to promote the reuse of previously developed land, and residential development in locations which will support principal towns and key settlements in the Northern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

#### **Character and Appearance of the Area**

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

It is considered that the mass size, scale, siting, overall arrangement and appearance of the proposed dwellings would respond to the topography of the area and would help create a development that would sit comfortably within its context to the benefit of the overall character of the area. Whilst the designs of the proposed dwellings do not match exactly the properties in the immediate area, the use of a limited palette of materials, the details of which could be sought be condition prior to development, would help the development assimilate further with those existing dwellings closest to the site. It is therefore considered that the proposed development is acceptable in terms of its impact on the visual amenity of the area.

In light of the above, the proposal is considered to be in keeping with the overall character and appearance of the area and is compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Residential Amenity**

As specified above, units 1-6 would front Blanch Street with units 7-11 fronting Coronation Street. Whilst such an arrangement would maintain a minimum distance of 11.5m distance between the front of unit 7 and the front of the properties in Coronation Street to the north-west of the site, such an arrangement is considered reflective of the existing relationship between residential properties in the area further along the streets and it is therefore acceptable in this instance. Furthermore it is considered that such an arrangement would help create an active street frontage to the benefit of the overall character and appearance of the area. On the whole, it is considered that the design and arrangement proposed would ensure that overlooking between habitable room windows would be kept to a minimum.

It is considered that the predominantly two storey design of the units, in association with the terraced/ stepped layout, to work with the topography of the site and the distances maintained would prevent the development from having an overbearing impact on the neighbouring properties. Whilst the removing the existing building and developing dwellings at the density proposed will inevitably have an impact on the residential amenity of surrounding properties, on balance, it is not considered that the development will have such a detrimental impact as to warrant the refusal of the application.

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

With regards to the proposed flats, the proposed layout plan indicates the provision of an area of private amenity space to the rear of the buildings as well as the provision of detached cycle parking, refuse storage and dedicated parking for each unit. The accommodation is also considered DQR compliant. As such it is

considered the proposal would accord with guidance within the Council's Supplementary Planning Guidance for flat development.

In light of the above, the application is considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and is compliant with the requirements of Policies AW2, AW5 and NSA16 of the Rhondda Cynon Taf Local Development Plan.

### **Highway Safety**

Following consultation the two letters of objection received have raised concern with regards to the existing parking situation within the area. However, following consultation the Council's Transportation Section has raised no objections to the application subject to conditions.

The developer has suggested widening the carriageway at the junction of School Street and Arthur Street to provide better visibility around the bend and a wider carriageway width for ease of vehicular movement. Being mindful that this corner forms part of a bus route, such alterations are satisfactory to the highway authority subject to the developer entering into a section 111/278 agreement.

The development proposes the provision of 38 parking spaces. Although this is 18 spaces short of the maximum standards specified as part of the SPG, being mindful of the sites sustainable location relative to public transport and a number of local facilities, the shortfall is considered acceptable, with any short term visitor parking being accommodated on the adjacent terraced streets and the new internal access road. Although the scheme proposes a number of driveways that would cause vehicles to reverse either to or from the highway, given that the streets within the vicinity of the site already benefit from traffic calming measures to reduce vehicle speeds, no highway objection is raised.

Although the development of the site for residential purposes will generate some increased vehicular movements, relative to the extant use of the site as a school it is considered that the traffic generation would not be so detrimental to the highway safety of the area to warrant refusal of the application. It is also considered that sufficient off street parking would be provided prevent any increase in on-street parking that would be detrimental to the residential amenity of existing residents or highway safety.

Having regard to the above, the application is considered compliant with policy AW5 and NSA12 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

### **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 application is accompanied by a Bat Survey and extended phase 1 survey. The survey includes a building investigation, and one emergence and one dawn return survey. Whilst the building assessment concludes low to moderate bat potential to activity, the survey recorded a small number of common pipistrelle bat accessing different buildings in the complex. The survey report concludes that these are not indicative of maternity roosts, but more suggestive of use by males and that the buildings are unsuitable as a hibernation roost. The report identifies some mitigation proposals and identifies that a Natural Resources Wales (NRW), European Protected Species Licence will be required.

Following consultation NRW and the Authority's Ecologist have raised no objection to the positive determination of the application subject to a condition to ensure that the development is carried out in accordance with the recommendations made in the bat survey and that an appropriate License being sought and submitted to the Authority prior to any development taking place. The requirement to seek a licence prior to any works taking place has also been confirmed as part of the Prior Notification for demolition of the buildings (Application 16/0029/23 refers.). Subject to the imposition of conditions, the application is considered compliant with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## **Public Health & Protection Section**

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal; however, a number of conditions/informative notes relating to the potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have been recommended. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that matters such as demolition, noise, dust, disposal of waste and lighting can be more efficiently controlled by other legislation with an appropriate Informative being added to any permission notifying the applicant / developer of the need to comply with legislation.

## **Affordable Housing**

The application proposes that units 1-11 would be offered for sale on the open market, with units 12-25 (56% provision) retained as affordable. Following consultation the Authority's Housing Strategy Officer has provided the following response:

*"This predominant social rented scheme has been designed by a Registered Social Landlord in dialogue with the Council's Housing Strategy Team to address the need for additional affordable housing within both Tonypanydy and Penygraig. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2014/15"*

In light of the consultation response received, the application is considered compliant with the requirements of policies CS1, CS5 and NSA11 of the Rhondda Cynon Taf Local Development Plan.

### **Play space provision**

The proposed site layout plan indicates that the site of existing playground area, located at the junction of Coronation Street and Arthur Street would be utilised as part of the development, with a new locally equipped area of play provided to the front of units 20-23 with access gained via Arthur Street. The playground is currently owned by the Authority. Following consultation, no response has been received from the Authority's Environmental Services (Parks Section). However, as part of application 13/0447/10, where a similar arrangement was proposed, no objection was raised subject to the proposed play area layout and design approved by the Parks Section and adopted upon the payment of a commuted sum for the maintenance costs. Being mindful that the current application proposes the same alterations as that approved as part of application 13/0447/10 it is considered necessary to condition the details of the play area to be submitted and require the developer to enter into a Section 106 to provide a commuted sum for the maintenance costs. Following discussions, the developer has confirmed that they would be willing to enter into such an agreement.

### **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:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- 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 provide:

1. Countryside & Leisure (Parks) - a commuted sum of £30,000 for future maintenance of the play area should it be adopted;
2. Secure the tenancy of units 12-25 as affordable housing; and
3. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

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

### **Conclusion**

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon the privacy and amenity of neighbouring dwellings, highway safety, ecology and affordable housing provision. It is therefore recommended that the application be approved subject to the conditions and the completion of a Section 106.

### **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): AR-910000 P00; AR-910002 P07; AR-060006 P00; AR-0600007 P00; AR-060005 P02; AR-060004 P02; AR-060001 P01; AR-000002 P01; AR-060003 P02; AR-062001 P01; AR-062002 P02 and documents received by the Local Planning Authority on 23rd December 2015 and 1st February 2016, 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, development shall not commence other than site clearance and any necessary site remediation, until samples of all the external materials proposed to be used, including all boundary treatments, have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

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

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

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

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

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

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 removal of any traffic sign and road marking relating to the former use of the site as a school, on the existing highways network, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and retained as such thereafter.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Development shall not commence, other than site clearance and any necessary site remediation, until the relocated position of the service apparatus affected by the proposed development has been submitted to and agreed 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: In the interests of highway and pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. 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 development shall only proceed in accordance approved details and shall maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan

11. Development shall not commence, other than site clearance and any necessary site remediation, until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping. 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.

12. No development works shall commence, until a copy of the European Protected Species License for the site, as issued by Natural Resources Wales, has been submitted to and approved in writing by the Local Planning Authority or Natural Resources Wales has informed the applicant in writing that such a licence is not required.

Reason: In the interests of protecting the natural heritage of the area, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

13. Development shall not commence, other than site clearance and any necessary site remediation, until details of the proposed provision and layout of the play area have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate replacement provision, in the interests of the amenity of the area, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**17 MARCH 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**