

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE
23 JUNE 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 12/0367 - Demolition of existing Church Hall and construction of 6 new dwellings (amended description received 20/11/2014, amended plans received 01/12/2014), Church Hall Off Lllys Tylcha Fawr, To The Rear Of 54-64 High Street, Tonyrefail
2. Application No: 16/0086 - Development of an automated petrol filling station, Asda Superstore, Colliers Way, Tonypandy
3. Application No: 16/0249 - New 4 bedroom house with integral garage and vehicle access, Plot 3, Brynfynnon Farm, Penderyn Road, Hirwaun, Aberdare

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 12/0367/10 (HL)
APPLICANT: Dynamo Construction
DEVELOPMENT: Demolition of existing Church Hall and construction of 6 new dwellings (amended description received 20/11/2014, amended plans received 01/12/2014)
LOCATION: CHURCH HALL OFF LLYS TYLCHA FAWR, TO THE REAR OF 54-64 HIGH STREET, TONYREFAIL
DATE REGISTERED: 20/11/2014
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve subject to conditions

REASONS:

The proposal is considered acceptable in principle. The application is located within the settlement development limits of Tonyrefail East and is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of layout, design and its impact on residential amenity and highway safety.

APPLICATION DETAILS

The application seeks full planning permission for the demolition of the existing church hall and construction of 6 new dwellings at the church hall, to the rear of 54-64 High Street Tonyrefail.

The application proposes the development of three pairs of semi detached dwellings: four number two bedroom and two number three bedroom dwellings.

The dwellings on plots 1-4, would measure 4.45m wide, 9.75m deep with a maximum height of 7.6m falling to 5m at eaves level. Internally the property would provide a living room, kitchen-diner and toilet at ground floor level with two bedrooms and a bathroom at first floor level

The dwellings on plots 5 and 6 would measure 5.5m wide 10.65m deep with a maximum height of 7.9m, falling to 5m at eaves level. The dwellings would provide a kitchen-diner, living room and toilet at ground floor level with three bedrooms, an ensuite and a bathroom at first floor.

Externally the dwellings would be finished with render elevations with timber clad detailing on the front and rear elevations at ground floor level and concrete roof tiles. Each property would benefit from enclosed front and rear gardens.

Properties 1 and 2 would be orientated to face west over what is known locally as Doctors Hill, with units 3-6 orientated with the front elevations facing north overlooking the rear elevations of the properties 56, 56A, 58 High Street and the Tonyrefail Rugby Club premises. A minimum distance of 19m would be maintained between the front elevation of the proposed dwellings and the rear elevations of the properties along High Street to the north. A minimum distance of 5.9m would be maintained between the rear and side elevations of the proposed dwellings and the rear boundary garden walls/ garages of the properties in Prichard Street to the south.

The application proposes the development of 10 off street parking spaces. Five spaces would be provided to the rear of numbers 4-6 with vehicular access gained off the rear lane to the south of the site. The plans submitted indicate that numbers 5 and 6 would each benefit from a private space within their curtilage with the three remaining spaces accessed via a new set of steps. The plans indicate that the southern access lane would be enlarged to provide a 5m wide carriageway. Five further parking spaces would be provided to the north of the proposed dwellings on land to the rear of number 56, 56A and 58 High Street. Vehicular access to these spaces would be via the existing rear lane that serves the existing dwellings and rugby club. The lane would be enlarged to provide a 5.5m wide carriageway and 1.2m wide pavement along the southern side. An onsite turning vehicle area would also be provided.

Due to the changes in levels across the site, the finished floor level of properties 5 and 6 in the eastern part of the site would be set approximately 2m above the floor level of numbers 1 and 2 in the west and approximately 2.15m above the level of the rear lane to the south.

The application initially sought consent for the development of 8 dwellings at the site. Following discussions and negotiations the number of units has been reduced to 6 as detailed above.

The application is accompanied by:

- Design and Access Statement;
- Ecological survey.

SITE APPRAISAL

The site comprises an irregular shaped parcel of land with an area of approximately 0.12 hectares, located to the south of High Street and the north of Prichard Street Tonyrefail. A former church hall is currently located in the western part of the site with an area of open, unmaintained ground to the east. The site is unallocated and within the settlement limits of Tonyrefail East. The surrounding area is positioned on a slope falling steeply from north to south and more gently from east to west. As a result the site is set below the lower ground floor level of the properties along High Street and is raised in comparison to those within Prichard Street.

The boundaries of the site are defined by the rear lane that serves the residential properties in High Street Rugby Club to the north, the gardens and boundary features of the properties in Parkland Crescent to the east, the rear lane access that serves the properties in Prichard Street to the south and the pavement and highway known locally as Doctors Hill to the west.

At the time of inspection the existing building appeared to be in use as an office for an upvc window company and their associated external storage.

The surrounding area is a mixture of residential development, with terraced, semi-detached and flats all evident.

PLANNING HISTORY

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

08/0188	The Church Hall, Cross Street	Demolition of church hall and development of site for residential use. (outline application)	Approved 19/08/2008
06/1634	Rear of 56-58 High Street, Tonyrefail	3 bed detached dwelling	Withdrawn 06/02/2007
05/1647	As above	3 bed detached dwelling	Withdrawn 04/07/2006
03/0898	As above	One detached dwelling (outline)	Approved 15/08/2003
95/0238	As above	Renewal of 56/93/0558 – single dwelling	Approved 10/07/1995
93/0558	As above	One detached dwelling	Approved 24/09/1993
89/0451	As above	Bungalow for disabled person	Refused 23/10/1989 Appeal 06/07/1990
88/0755	As above	Residential development	Refused 06/02/1989
88/0045	As above	Residential development	Refused 12/04/1988

PUBLICITY

The original and amended applications have been advertised by direct neighbour notification and the erection of site notices.

Original application:

Two letters of objection were received and summarised as follows:

- The development will overlook properties resulting in a loss of privacy;
- There are normally 2 cars per household, where are the other cars going to park?;
- Access via the rear lane will be limited as it serves a number of existing garages and is of limited width;
- The lane to the rear of the Rugby Club is essential for deliveries and refuse collections. The bins are too large to be manoeuvred to the main road and the hill is too steep to leave them there. The club cannot afford for delivery / collection lorries not to have access to the rear of the clubhouse whilst the houses are being built;
- The car park to the rear of the club is used by members and coaches are parked in it by visiting teams. We envisage new residents may complain about the passing traffic especially at night.
- The club car park is likely to be used by new residents as overspill.

Amended application:

No letters of objection or representation have been received.

CONSULTATION

Transportation Section – no objections subject to conditions. The development has reduced the number of dwellings from 8 to 6 with a reasonable provision for access, circulation and parking. There is concern regarding the remote location of some parking spaces, but this concern alone would not warrant a highway objection.

Public Health & Protection – no objections subject to a condition regarding contaminated land and informative notes relating to demolition, hours of construction, noise, dust suppression and disposal of waste.

Land Reclamation & Drainage – no objections subject to conditions, including the submission of a full drainage scheme to the local planning authority for approval to assess flood risk management.

Welsh Water/ Dwr Cymru - Raise no objections subject to conditions relating to the separate disposal of foul and surface water from the site.

Housing Strategy Unit – Based on the findings of the Local Housing Market Assessment, it is recommended that one, three bedroom house be made available for sale as Low Cost Home Ownership.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity. An appropriate bat informative will need to be added to any grant of consent.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the settlement limits of Tonyrefail East and is unallocated.

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

Policy AW1 - sets out the requirements for new housing development and the methods by which the provision of new housing will be met. AW1.3 refers directly to the development of unallocated land within the defined residential settlement boundaries of principal towns, key settlements and smaller settlements.

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

Policy AW4 – advises that planning obligations may be sought to make the proposal acceptable in land use planning terms.

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

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

Policy AW8- requires applications to be accompanied by appropriate ecological surveys and appraisals in the interest of preserving and protecting the areas natural heritage,

Policy SSA4 – advises that proposals for residential and commercial development within the key settlement of Tonyrefail will be permitted subject to certain criteria.

Policy SSA11 – recommends a housing density of 35 dwellings per hectare unless a lower density is necessary to protect the character of the area or the amenity of existing and future residents.

Policy SSA12 – seeks the provision of 20% affordable housing on sites of 5 or more units.

Policy SSA13 – sets out the criteria for the consideration of development proposals within settlement boundaries.

National Guidance

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

Planning Policy Wales (PPW) Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), and Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

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

REASONS FOR REACHING RECOMMENDATION

The site is within the settlement boundary of Tonyrefail East and is unallocated. As such the principle of residential development is considered acceptable subject to certain criteria. As detailed above, the scheme seeks to develop the site to provide 6 dwellings with associated amenity space, access and parking.

The key considerations in the determination of this application are whether the principle of residential development upon the site is acceptable, the potential impact of the development upon amenity of neighbouring properties, the effect on the character and appearance of the area, the impact of the proposal on highway safety and the impact on ecology and biodiversity.

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 an irregularly shaped plot, positioned between the rear elevations of the properties in High Street (to the north) and Prichard Street (to the south). The site is currently occupied by a former Church Hall which appears to be in use as an office. 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. It is also considered that the site is in a sustainable location, within an existing suburban settlement that has good public transport connections.

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 CS2 and SSA4, which seeks to promote sustainable growth in the Southern Strategy Area

and key settlement of Tonyrefail. As such, in policy terms, the proposal is considered acceptable in principle.

Residential amenity

As specified above the site is located within an established residential area, it is therefore important to consider the potential impacts of the layout upon the levels of amenity and privacy currently enjoyed by the occupiers of neighbouring residential properties.

It is considered that the properties in High Street and Prichard Street are most likely to be affected by the development as a result of the potential for increased overlooking and loss of privacy, increased overshadowing and loss of light.

As a result of the orientation of the site and the height of the proposed dwellings there is the potential for the development to generate increased overshadowing and loss of light to the rear elevations of the properties in High Street. However, based on the plans submitted it is noted that a minimum distance of 19m would be maintained between the front elevations of proposed dwellings and the rear elevations of the property in High Street. It is considered that this distance maintained, in association with the topography of the site which falls steeply from north to south, (and results in the properties in High Street having three storey rear elevations) would help prevent the development from generating a level of overshadowing and loss of light significantly detrimental to the residential amenity to the properties in High Street.

Whilst the orientation of the dwellings on plots 3-6 to face north could be considered to generate an increased level of overlooking of the rear elevation of the properties in High Street, it is again considered that the distance maintained between elevations in association with the topography of the area would prevent the impact from being so significant to warrant refusal of the application on such grounds.

With regard to the impact on the properties in Prichard Street to the south, it is acknowledged that the development could generate some increased overlooking and loss of privacy, the perception of which could be exacerbated by the height of the finished floor level of units 3-6 at 2m above the level of the rear lane and the orientation of the dwellings.

It is noted that a minimum distance of 22m would be maintained between the elevations of the proposed dwellings and the properties in Prichard Street. Furthermore at the time of inspection, it was noted that many of the dwellings in Prichard Street have developed garages or outbuildings adjacent to the rear lane. It is considered that the distance maintained, in association with the existing garages would help screen the gardens from view and would prevent the development from generating a level of overlooking or loss of privacy so detrimental to warrant refusal of the application on such grounds.

The distance between plot 1 and the nearest property on Prichard Street is approximately 24m, the finished floor level of the dwelling is at a comparative level to the slab level of the garages to the rear of Prichard Street and the lack of habitable room windows in the proposed southern (side) elevation of the dwelling would prevent the development from having a detrimental impact on the residential amenity of those closest to the site.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjacent to the site. The proposal is therefore considered to comply with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Character and Appearance

The proposed scheme is for a total of 6 residential units, arranged in a T shape. The scheme takes account of the site's characteristics and context and as a result, the layout is successful in creating frontages with the adjacent highway and main access serving the site, whilst also maintaining sufficient natural surveillance of the parking area and rear lane to the south.

Whilst the area is predominantly characterised by Victorian terraces, there are other house types, and external finishes evident in the locality. Although the development does indicate the use of timber cladding on the front and rear elevations at ground floor level, on balance it is considered that the size, scale, design and materials proposed would be generally in keeping with the overall character and appearance of the area. Although the timber would introduce a new material to the area, it is considered that such a feature would not warrant refusal of the application.

Although units 3-6 would be raised relative to the level of the rear lane and the properties in Prichard Street, such a terraced arrangement is not uncommon when dealing with sloping sites of this nature. It is considered that the finished floor levels and terraced arrangement proposed in association with the size and scale of the dwellings would not have a significantly detrimental effect on the character and appearance of the area as the under-build and retaining walls would be largely hidden by the garages and rear boundary walls of the properties in Prichard Street.

Overall, it is considered that the layout of the site and scale and appearance of the dwellings is successful in identifying and responding to the various site constraints and context of the wider area. As such, it is considered that the development would contribute positively to the character and appearance of the area. The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies SSA1, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety, the Council's Transportation Section has raised no objections to the application subject to conditions

As specified above, the site layout plan submitted proposes the provision of ten onsite parking spaces, five of which would be accessed from the lane to the north and five from the land to the south of the site; the widening of the lane to the north to provide a 5.5m carriageway, 1.2m wide pavement and on site turning facility; and the widening of the southern access lane to provide a 5m carriageway.

It is considered that the alterations and facilities proposed would provide for safe and satisfactory access and circulation so that all vehicles including delivery, emergency and service vehicles can enter and leave the site in forward gear which is considered acceptable. It is also considered that the alterations to the highways would be of benefit to the existing residents and rugby club by providing enhanced access to their properties and garages and help overcome the concerns raised by one of the objectors.

Whilst the Transportation Section has noted that the site should provide a maximum of 15 onsite parking spaces and 1 visitor space and have concerns regarding the remoteness and lack of surveillance of some of the parking spaces, on balance it is considered that the sustainable location of the proposal within walking distance of public transport and local amenities, these concerns do not warrant a highway objection.

In relation to the comments raised by the Rugby Club regarding the maintenance of an unobstructed access to the rear of their premise, being mindful that the lane is not adopted by the Authority, such issues would be a private civil matter in which the Council could not become involved. However, in this instance it is considered pertinent to condition that the lanes to the north and south of the site should be maintained free of obstruction during the course of development in the interests of the highway safety and free flow of traffic in the area. With regard to the potential use of the Club's car park by residents, as the facility is provided on private land any such use authorised or otherwise would be a matter for the club to regulate and control themselves.

On balance it is considered that the development proposed would not have a detrimental impact on the highway safety and free flow of traffic in the area and is therefore compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

OTHER ISSUES

As the application proposes the demolition of the existing church hall an internal inspection and emergence survey of the building for bats and owls has been carried

out. The report submitted concludes that the existing building is not used by bats or owls and as such there is no need to provide any compensation or mitigation. Following consultation the Authority's Ecologist has confirmed that there are no SewBrec Records of any Statutory Protected Species within the immediate area. The application is therefore compliant with the relevant requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal. It is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, however, it is considered that these matters can be more effectively controlled by other legislation. Appropriate informative notes can be added to any permission notifying the applicant/developer of the need to comply with legislation concerning these matters. Should permission be approved a condition is recommended requiring the submission of a contaminated land report.

The site lies within a high risk coal mining area, however, at the time of carrying out the statutory consultations in respect of this application the Council did not consult the Coal Authority. As the site lies in a high risk Coal Mining area it is recommended that a condition is attached to any permission to require a desk top coal mining study to be undertaken and should the study show that coal mining legacy potentially poses a risk to the proposed development then intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

To comply with Policy SSA 12 of the adopted Local Development Plan 20% affordable housing provision on schemes of 5 or more units in the Southern Strategy Area is required. In this case the applicant has been advised that he will be required to enter into a Section 106 agreement to provide one, three bedroom house on site, to be made available for sale as Low Cost Home Ownership, with a developer contribution of 30% of the open market value for the unit.

The applicant has advised that the site is not viable to pay the affordable unit and the CIL Chargeable amount and has submitted viability evidence to support his claim. Paragraph 6.154 of policy SSA 12 of the Local Development Plan advises

that *the number of affordable units may be reduced where it is clearly demonstrated that a site's location, the presence of abnormal development costs or other individual circumstances of the development, would result in the development not being economically viable.* In this case the applicant has submitted sufficient evidence to justify the reduction of the provision of affordable housing in this case to zero. The Council's Housing Strategy officer has also confirmed that having regard to the viability evidence there is no objection to the development delivering no affordable housing.

COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL charge (including indexation) for this development is expected to be £19,076.82.

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 impact upon the privacy and amenity of neighbouring dwellings, compatibility with the character of the immediate area, and its impact upon highway safety.

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 consent hereby granted relates to the following plans:

Existing site location plan – Drawing No. PL001 Rev.2 12/10/2011
Proposed site plan – Drawing No. PL002 Rev. 6 12/10/2011
Proposed floor plans – Drawing No. PL003 Rev. 2 12/10/2011
Proposed elevations – Drawing No. PL005 Rev. 3 12/10/2011

Reason: In order to define the extent of the consent hereby granted.

3. Building operations shall not 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 (other than any works in relation to demolition and site clearance) until drainage arrangements for foul and surface water have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. No development shall take place (other than works in relation to demolition and site clearance) until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

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

6. The development hereby permitted shall not begin (other than works in relation to demolition and site clearance) until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
 - a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 - b) A site investigation shall be carried out by a competent person to

fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

- c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

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

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

- 7. Before the development is brought into beneficial use the means of access, together with the parking and turning of vehicles, shall be laid out in accordance with the submitted plan PL002 Rev. 6 and in accordance with materials that have first been approved in writing by the Local Planning Authority.

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

- 8. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout and improvements to the existing highways including sections; street lighting, surface water drainage, footways and highway structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety in accordance with policy AW5 of the Rhondda

Cynon Taf Local Development Plan.

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

Reason: 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.

10. HGV's used as part of the development shall be restricted to 9:00am to 16:30pm weekdays, with no deliveries on weekends and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing drainage system and potential flooding in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until:
a desk top coal mining risk assessment report is carried out in relation to past coal mining legacy at the site. Should the recommendations of the coal mining risk assessment report indicate that coal mining legacy potentially poses a risk to the proposed development then;

- a scheme shall be submitted of intrusive site investigations;
- the undertaking of that scheme of intrusive site investigations;
- the submission of a report of findings arising from the intrusive site investigations;
- the submission of a scheme of remedial works for approval

The remedial works shall be fully implemented prior to the development being first brought into beneficial use, unless as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of health and safety and environmental amenity as the site lies in a high risk coal mining area and so as to accord with policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0086/10	(EL)
APPLICANT:	Asda Stores Ltd	
DEVELOPMENT:	Development of an automated petrol filling station	
LOCATION:	ASDA SUPERSTORE, COLLIERS WAY, TONYPANDY, CF40 2JQ	
DATE REGISTERED:	11/03/2016	
ELECTORAL DIVISION:	Llwynypia	

Recommendation: Approve

Reasons:

The site represents an established commercial site located within settlement limits. The development of automated petrol filling station within the curtilage of the superstore is considered to be a compatible land use. The scheme is also considered acceptable in terms of its character and appearance, impact upon residential amenity and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received

APPLICATION DETAILS

The petrol filling station would be located at the southern extent of the existing car park that serves the store.

Full planning permission is sought for the construction of a three pump automated petrol filling station within the curtilage of Asda Superstore, Colliers Way, Tonymandy.

The petrol filling station would have three dispensers with fuel hose delivery to both sides, providing 6 fill positions. The pumps would be fully automated i.e. self service operated by means of customer credit card authorisation only with no cash sales and therefore no need for a sales kiosk on the site. It is commented that provision will be made for disabled customers at the pumps with a call/service point. It is also stated that a 'forecourt greeter' will be available during busier trading times to assist customers in the use of the forecourt, outside of these hours, support will be provided by staff from the store.

Customers will access the petrol filling station through the existing car park access arrangements that serve the store, from Colliers Way. The petrol filling station will operate a one way access, with priorities managed by signage and surface markings. Access to and from the forecourt has been designed to allow adequate space for Heavy Goods Vehicle tankers to manoeuvre safely.

In addition to the pumps the petrol filling station will incorporate:

- A canopy extending to 15.3 metres by 12.3 metres, with a height of 5.15 metres. This will provide some protection from the weather.
- A control room measuring 2.15metres by 1.9metres with a height of 2.3 metres. This structure will house the forecourt management equipment.

The application is accompanied by:

- Design and Access Statement
- A Coal Mining Risk assessment
- Flood Consequences Assessment
- Preliminary risk assessment and Ground Investigations Report
- Transport Statement

SITE APPRAISAL

The application site forms part of the existing car park of the Asda superstore. The main store is positioned toward the north of the site, with car parking to the front (south) of the store. The petrol filling station would be located at the southern extent of the car park, extending to an area of approximately 3650m² (including the access). The site forms part of a small commercial development which also includes McDonalds. Access to the site is gained off Colliers Way, which lies to the west. To the east the site is bounded by an embankment that falls to an adjacent railway line. The closest residential properties are located approximately 100 metres to the west on Llwynypia Road.

PLANNING HISTORY

Recent planning history for the site is set out below:

16/0221/01	Asda Superstore, Llwynypia Road, Llwynypia, Tonybandy,	Proposed signage scheme	Granted 03/05/16
14/1027/38	Asda Superstore, Llwynypia Road, Llwynypia, Tonybandy,	Discharge of condition 2 of planning permission 14/1027/10 -Sample materials.	Granted 06/08/14
14/0670	Asda Superstore, Llwynypia Road, Llwynypia, Tonybandy,	Single sided banner	Granted with conditions 15/07/14

14/0552	Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,	Vinyl wrapped aluminium panels to 'Pick & Collect' canopy and associated advertisements and directional sign to canopy	Granted with conditions 20/06/14
14/0551	Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,	Erection of a 'Pick and Collect' canopy within the store's customer car park.	Granted with conditions 13/06/14
13/0826	Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,	3m single storey canopy for use as a seasonal goods display area within the curtilage of the Asda store.	Granted with conditions 23/10/13
12/0561	Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,	4 no. single sided advertisement banners (amended details received 28/6/12).	Granted with conditions 29/06/12
11/0419	Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,	Various store and car park signage carrying "24 hours" logo.	Granted with conditions 25/05/11
07/0615	Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,	Various advertisement signage	Granted with conditions 17/05/07
06/1173	Hutchings Garage And Adjoining Land, Llwynypia Road, Tonypandy	Re-use and adaptation of the existing building for a 5,240 sq.m (gross) Class A1 foodstore with associated car parking and landscaping	Granted with conditions 21/12/06

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Three letters of objection have been received, in addition to a petition with 229 signatures.

The objections are summarised as follows:

- The petition states that the objection is based on the fact there are already a number of petrol stations within a 5 mile radius of the site and the proposal will impact upon local residents and businesses.

Other letters comment that:

- There are already 2 petrol stations within a mile of the Asda store and there are 9 petrol stations within a 5 mile radius of the store (and proposal).
- Concern is expressed that the proposal will have an adverse impact upon existing petrol station businesses.
- It is claimed that the proposal does not comply with the requirements of Local Development Plan policies as the proposal does not support traditional employment or create local jobs. It is also commented that the proposal is likely to have a significant effect upon other petrol filling stations in the locality which is likely to result in a loss of employment.
- It is commented that policy AW2 supports development that “would not unacceptably conflict with surrounding uses”. It is claimed that the proposal would conflict with the sustainability of existing petrol stations, creating a risk of business closure and job losses.
- It is commented that existing trading is already very competitive and that the proposal would further threaten the viability of existing businesses.
- It is claimed that the proposal does not represent an efficient use of space, on the grounds that there are already a number of petrol stations in the area.
- It is commented that the likely economic benefits from the proposal are limited providing only an increased revenue for Asda stores, as opposed to existing local businesses that provide employment and return money to the local economy.

CONSULTATION

Transportation Section – no objections raised, conditions recommended.

Land Reclamation and Engineering – no objections raised condition suggested.

Natural Resources Wales – no objections raised however a condition is required in order to limit any adverse impacts upon controlled waters.

Public Health and Protection – no objections raised, site investigations condition recommended.

Health and Safety Section – Petroleum Enforcement Authority – no objections raised informative notes relating to the storage of dangerous substances recommended.

Health & Safety Executive – does not advise against, on safety grounds, the granting of planning permission.

The Coal Authority – no objections raised – it is commented that conclusions of the Coal Mining Risk Assessment find that coal mining legacy issues are not significant within the site and do not pose a risk to the proposed development.

Dwr Cymru – no objections raised, however it is noted that both operational and non-operational watermains are located in the vicinity of the application site. Dwr Cymru state that no structures are to be sited within an agreed easement of these watermains (6 metres is stated in this case).

Wales & West Utilities – apparatus may be located in the vicinity of the site, therefore may be at risk during construction works. The applicant must contact Wales & West Utilities directly to discuss the matter further and ensure no damage to their assets.

South Wales Police – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries and is unallocated.

CS1 sets out criteria for achieving strong sustainable communities in the northern strategy area.

AW2 promotes development in sustainable locations.

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

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

AW 10 sets out the criteria for environmental protection and public health.

NSA12 sets out the criteria for development within and adjacent to settlement boundaries

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 application site represents an established supermarket situated within a small commercial park that lies within settlement limits. The proposal seeks to utilise a proportion of the existing car park to construct a petrol filling station.

As such, the key considerations in determining this application are the compatibility of the proposed use within the established area and the impact of the development upon highway safety. The impact of the development upon the character and appearance of the existing site and immediate area, along with the potential impact upon the amenity of neighbouring occupiers are further considerations.

Principle of Development

In the assessment of any application for new development, the first consideration must be the location of the site in planning policy terms. In this case the site is located within settlement limits and furthermore, is within the curtilage of an existing supermarket. As such, the land represents an established commercial site.

In planning policy terms, policies AW2 and AW5 provide the main criteria for the assessment of new development. Amongst other factors, these require development proposals be located in sustainable locations that have good accessibility and that the activities proposed would not unacceptably conflict with surrounding uses. In this case, the proposed petrol filling station would operate in conjunction with the existing Asda store, being situated within its curtilage. In a supporting statement that accompanies the application, the agents comment that Asda made a substantial investment in Tonyandy when its store opened in November 2007, with the store now representing an important facility for the community. The agents comment that research has shown their customers now generally expect a petrol filling station to be associated with a modern food store. They comment that the fact that the Tonyandy store does not currently benefit from this facility could result in a loss of custom for the supermarket; as such, the current submission seeks to respond to this market need.

It is acknowledged that following the publicity of the application a number of representations have been received. Whilst these are set out in full above, the main area of concern relates to the potential impact of the proposal upon existing petrol station retailers in the vicinity of the site.

The objections received express concern that as the proposal is for an automated facility, in the long term, no new jobs would be generated as a result of the development. Further concern is expressed that the development of another petrol

station in the Tonypany area would place pressure upon the existing petrol retailers, potentially risking a loss of jobs if existing businesses were to fail.

It is acknowledged that the proposed facility would be automated and therefore would not employ staff in a manned kiosk; however it is not considered that this fact alone would represent a reason for the refusal of the planning application. It is accepted that the development of an additional petrol filling station would undoubtedly add competition to the market, with consumers being offered more choice. However, since matters of competition alone do not form material planning considerations, it is not considered that this fact would warrant the refusal of the application. As such, overall, it is considered that principle of the development of a petrol filling station in this location is acceptable and in accordance with planning policy requirements.

Character and Appearance

In terms of visual impact, the layout and design of the petrol filling station is dictated largely by its function. Three fuel dispensers would be arranged on the forecourt, providing 6 fill positions, sufficient space would be available for circulation of traffic around these. In addition to the pumps, a control kiosk would be constructed, all of which would sit beneath a canopy, providing some protection for customers from the weather and 'visually containing' the development.

As set out above, the proposal would be situated at the southern extent of the existing car park. Therefore, whilst the development and associated structures would obviously form visible features in the street scene, they would be viewed in the context of the supermarket and neighbouring commercial development.

As such, overall, it is not considered that the resulting development would cause a harmful impact upon the character and appearance of the street scene and area generally.

Residential amenity

The site comprises an area of land that forms part of the car park for the existing Asda store and is therefore read primarily in the context of a commercial setting. It is noted that a number of residential properties are located within walking distance of the site, however these are geographically separate from the application site. The closest properties are situated on Llwynypia Road, which lies to the west of the site and is separated from the existing store and application site by the busy road, Colliers Way. As such, these dwellings are only partially visible from the application site. Overall, it is considered that the nearest residents are located a sufficient distance from the application site so as not to be adversely affected, in terms of impacts upon either amenity or privacy.

Highway Safety

As set out above, the application is accompanied by a Transport Statement, which provides information in relation to access, parking, circulation and the trip rate and trip generation for the proposal. In order to aid in the assessment of the scheme upon highway safety, consultation has been undertaken with the Council's Transportation Section, their assessment, which raises no objections to the scheme, is detailed below.

Parking

Their assessment comments that the proposed development would result in the loss of 26 car parking spaces which represents 8.1% of the total existing parking provision within the existing superstore car park of 320 car parking spaces. As such, 294 parking spaces would remain to serve the superstore.

The Transport Statement (paragraph 5.5) indicates that car park accumulation surveys were undertaken over five weekends (Thursday to Sunday) during October and November 2015 the results of which are summarised in Table 2 below:

DAY	RANGE OF PEAK ACCUMULATION Nº of spaces occupied (Occupancy %)	MAXIMUM PEAK ACCUMULATION Nº of spaces occupied (Occupancy %)	RANGE OF AVAILABLE SPACES DURING PEAK PERIODS
THURSDAY	158 (49%) – 255 (80%)	255 (80%)	65 - 162
FRIDAY	190 (59%) – 263 (82%)	263 (82%)	57 - 130
SATURDAY	170 (53%) – 277 (87%)	277 (87%)	43 - 150
SUNDAY	145 (45%) – 274 (86%)	274 (86%)	46 - 175

This data illustrates that even at peak trading periods, with the car park reduced to accommodate a maximum of 294 spaces, there would still be a minimum 5% spare capacity within the car park for customer parking. On this basis the reduction in parking provision for the existing superstore is considered on balance acceptable.

Whilst the Council's Supplementary Planning Guidance does not include requirements specifically for automated petrol filling stations, it is noted that:-

- Space is provided within the forecourt to accommodate articulated tanker delivery vehicles.
- The filling station will not incorporate a kiosk or sales facility.

- No other ancillary use (e.g. automatic car wash) is proposed.
- Staff (from the store) will be in attendance at peak periods or summoned to assist users when necessary.
- Availability of the adjacent car park should any car parking be required by staff or maintenance personnel.

On the basis of the above, it is considered that the operational and non-operational parking provision is considered acceptable.

Trip Rate and Trip Generation

In order to estimate trip rates for the proposed petrol filling station, trip rate data from surveys undertaken across Asda sites has been used. The results of this data analysis are summarised in the table below:

	Vehicle Trip Rate (per 100 sqm gfa)	
	FRIDAY (1700 – 1800)	SATURDAY (1200 – 1300)
ASDA without PFS	12.99	13.62
ASDA with PFS	13.59	14.91
Change in Trip Rate	0.6	1.29
Change in Vehicle Movements (5,300 sqm gfa)	32	68

The above data indicates that the petrol filling station would generate an additional 68 movements (34 visits) between 12:00 and 13:00 on a Saturday. Information provided within the Transport Statement indicates that based on data from similar Asda stores, around 58% of trips would be linked to shopping trips to the existing superstore. Furthermore a proportion of trips (17%) would be pass-by-trips where trips already on the network would divert to the proposed filling station. Therefore the anticipated additional trips generated would be 25%, which would amount to 8 trips during the Friday peak and 17 trips on the Saturday peak. It is not considered that this increase would be so significant so as to warrant a highway objection.

The proposal is for an automated petrol filling station where the only form of payment is via a credit card at the pump (thereby removing the need to visit the kiosk to pay) this reduces the average transaction time to 1 minute and 10 seconds. The Transport Statement indicates that the six filling positions will therefore be adequate

to deal with demand at peak times. Furthermore, significant space is available within the filling station forecourt, the internal access roads and parking aisles (within the existing superstore car park) to accommodate any vehicle stacking that may arise. As such, it is not considered that the additional traffic, generated by the proposed petrol filling station, would have a significant impact on the local highway network or signalised junction leading to the site.

Access and circulation

Access to the proposal, for both customers and delivery vehicles, would utilise the existing highway layout, via the signalised junction at Colliers Way. This access is considered acceptable, with appropriate vision splays. It is acknowledged that the swept path analysis indicates that some minor realignment works within the site would be required. These would include re-alignment of the kerblin at the roundabout and within the Asda car park access road, in order to accommodate tanker deliveries and allow the provision of a right turn holding lane (providing access to the automated petrol filling station). The plans which accompany the application illustrate that these can be accommodated within the site without compromising the existing layout or parking configuration.

Overall, having assessed the scheme it is considered that the proposed petrol filling station can be accommodated within the site without resulting in an unacceptable loss of car parking (to serve the existing supermarket). Furthermore, the additional traffic movements generated by the proposal can be accommodated without adversely impacting upon the existing highway network or free flow of traffic. As such, the scheme is considered acceptable in highway safety terms.

Flood Risk

Consultation with Natural Resources Wales has identified that the application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Rhondda, a designated main river. In light of this fact, the application is accompanied by a Flood Consequences Assessment.

However, in their consultation response, Natural Resources Wales acknowledge that, due to the results of recent flood modelling work, this site will no longer be within the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Rhondda when their flood map is updated in the future. For this reason, their response concludes by stating that Natural Resources Wales have no adverse comments to make in relation to flood risk at this site.

Dwr Cymru

Consultation with Dwr Cymru has identified that both operational and non-operational watermain lie in close proximity to the application site. Dwr Cymru have raised no objection to the application but state that a protection will be required either side of the centre line of these watermain; furthermore no structures will be permitted within these easements. It is noted that discussions in relation to the exact position of the watermain and the scale of the easement required are on-going between the applicant and Dwr Cymru. However, the applicant has provided a layout plan which demonstrates that no physical structures are located within 6 metres of the assumed line of the operational watermain that bound the site. Nevertheless, an informative is recommended, which reminds the applicants of their responsibility in ensuring that the exact location of the watermain are established and the necessary protection zones agreed with Dwr Cymru directly.

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

Having taken account of all of the issues outlined above and in light of the responses received from consultees, the application proposal is considered acceptable. Therefore, the proposal is recommended for approval, subject to the conditions specified.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Drawing no. (100)01 rev A Location plan
 - Drawing no. (200) 01 Rev A Existing site plan
 - Drawing no. (200) 02 Rev B Proposed site plan
 - Drawing no. (200) 03 Rev B Proposed layout
 - Drawing no. (200) 04 Rev B proposed road works
 - Drawing no. (300) 01 Rev B Proposed elevations
 - Drawing no. (400) 01 Rev B Sections

- Drawing no. (500) 01 Rev A Control room details
- Drawing no. (500) 02 Rev A lighting column – dome CCTV

and documents received by the Local Planning Authority on 29/01/16 and 16/03/16 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

4. The development shall not be brought into beneficial use 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. Development shall not commence until full engineering design and detail of the works to the kerb line adjacent to the access necessary to facilitate the passage of delivery vehicles to the automated petrol filling station, including realignment of the kerb line, relocation of road gullies and illuminated signage access and including construction details and specification have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the means of access has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. 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,
- g) the sheeting of lorries leaving the site.

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

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

- 7. No HGV deliveries during the construction period shall take place between the hours of 08:00-09:00 am and 17:00-18:00pm on weekdays to and from the site.

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

- 8. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To protect controlled waters as underground storage of hazardous substances pose particular risks to groundwater because of the problems of leak detection in accordance with policy Aw10 of the Rhondda Cynon Taf Local Development Plan.

- 9. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

- 1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
- 3. A written method statement for the remediation of contamination

affecting the site

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

10. The development hereby permitted, shall not be operated until the measures approved in the scheme (referred to in Condition 9) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

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

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

12. Any topsoil, natural or manufactured, or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

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.

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APPLICATION NO: 16/0249/10 (EL)
APPLICANT: Mr G Evans

DEVELOPMENT: New 4 bedroom house with integral garage and vehicle access.
LOCATION: **PLOT 3, BRYNFYNNON FARM, PENDERYN ROAD, HIRWAUN, ABERDARE, CF44 9SE**
DATE REGISTERED: 10/03/2016
ELECTORAL DIVISION: Hirwaun

Recommendation: Approve

Reasons:

The site represents an infill plot within settlement limits. The planning history of the site establishes the principle of residential development on the land. The proposed dwelling is acceptable in terms of its character and appearance, impact upon residential amenity and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The applicant is the immediate family of a serving Elected Member.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached dwelling on a parcel of land located to the south west of Penderyn Road, Hirwaun.

The dwelling would have an irregular footprint, the main two storey element would measure 12.5 metres in width and 10.7 metres in depth. A one and a half storey addition would be positioned to the north west elevation, measuring measure 4.3 metres in width and 10.0 metres in depth; this would provide a garage and utility room at ground floor and a hobby room/office in the roof space above. To the rear (south west) elevation a further single storey sun room would be constructed. The main dwelling would have a ridge roof construction extending to 9.0 metres at its highest point and 5.2 metres at its eaves. The dwelling would be finished in a combination of render with stone work detailing and slate tiled roof.

Vehicular access would be gained off Penderyn Road, which defines the north eastern boundary of the site. Off street parking would be provided both within the garage and upon an area to the front (north east) of the dwelling. A private garden area would be located to the rear of the dwelling.

SITE APPRAISAL

The site is a plot of land situated between Penderyn Road and Rhigos Road (which forms the western bypass of Hirwaun). Penderyn Road is a cul-de-sac and terminates just to the north-east of the site with a bus turning area. The site measures 930m² in area and is irregular in shape. The ground falls gently from

south west to north east and the site is currently covered by rough grass and scrub vegetation. The hedgerow of bushes and trees that previously defined the boundary with Penderyn Road has largely been removed. Residential dwellings surround the site to the north, east and south, and the village centre is located approximately 400m to the south.

PLANNING HISTORY

12/0934	Land adjacent to Brynffynon Penderyn Road Hirwaun, Aberdare	Construction of 4 no. detached residential dwellings with access off Penderyn Road.	Granted with conditions 25/01/13
01/4218	Land to the South East of Mount Pleasant Inn Penderyn Road Hirwaun, Aberdare	Proposed Residential Development	Refused 16/10/01 Appeal: Dismissed 04/02/02
97/4263	Land to the South East of Mount Pleasant Inn Penderyn Road Hirwaun, Aberdare	Maximum of 6 detached houses	Refused 09/10/97

PUBLICITY

The application was advertised by direct neighbour notification and site notices. No representations have been received.

CONSULTATION

Transportation Section – no objections raised, conditions recommended.

Welsh Government Transport Section – no objections raised subject to conditions.

Dwr Cymru/Welsh Water – no objections raised, conditions suggested.

Public Health and Protection – no objections raised, site investigations condition recommended.

Land Reclamation and Engineering – no objections raised condition suggested.

Wales & West Utilities – apparatus may be located in the vicinity of the site, therefore may be at risk during construction works. The applicant must contact Wales & West Utilities directly to discuss the matter further and ensure no damage to their assets.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries and is unallocated.

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

Policy AW1 sets out the criteria for new housing proposals, commenting that the provision of new dwellings will be met by a number of methods, including the development of unallocated land within the defined settlement boundaries.

PolicyAW2 promotes development in sustainable locations.

PolicyAW5 sets out criteria for new development in relation to amenity and accessibility.

PolicyAW6 sets out the criteria for new development in terms of design and place-making.

PolicyAW10 sets out the criteria for environmental protection and public health.

PolicyNSA12 sets out the criteria for development within and adjacent to settlement boundaries

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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 application proposes the construction of a residential dwelling on a parcel of land that is located inside of the defined settlement limits and within an established residential area. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition, it will also be necessary to consider whether the site is capable of accommodating a dwelling, associated means of access, parking and amenity space, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The impact of the development upon highway safety in the vicinity of the site is a further consideration.

Principle of Development and Planning History

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. In this case the plot is located inside the defined settlement limits and within an established residential area of Hirwaun.

Furthermore, consideration must be given to the planning history of the site. This reveals history of a planning approval on the site. The most recent planning application was submitted in 2012 and sought outline planning permission for the construction of 4 dwellings, this was approved in January 2013.

As such, it is considered that the principle of the development of the site for residential purposes has been established by its location and the approval of the earlier application on the land. However, it will still be necessary to consider the potential impacts resulting from the scheme that is currently proposed in terms of design, amenity and highway safety. These will be assessed in the following sections.

Character and Appearance

As set out above, the principle of residential development on the site has already been established by the approval of an earlier permission. Whilst the earlier permission was approved in outline with all matters reserved for future consideration, the submission was accompanied by an indicative site layout plan. This illustrated 4 dwellings in a broadly linear arrangement along a north west – south east axis, with access off Penderyn. Having assessed the current scheme, it is considered that both the layout and footprint proposed on plot 3 are similar to that illustrated in indicative outline layout.

It is acknowledged that the application proposes a substantial dwelling; however it is considered that the plot is of sufficient size to accommodate the proposal without appearing as over development. With a view to reducing some of the visual bulk of the dwelling, the property has been designed with a smaller one and a half storey

addition to the side elevation that accommodates the garage and a first floor hobby room /office.

It is noted that the proposed dwelling would be larger than the nearest dwellings on Garth Grove (opposite). However, the scale and design of the property would be comparable to the larger detached dwellings that have been developed as a small cul-de-sac to the far north of the site (also served off Penderyn Road).

A cross section through the site, that accompanies the application, also indicates that some cutting into the site, in order to create a level plateau would form part of the scheme. These works would go some way to ensure that the dwelling would not occupy a position that would be significantly elevated above the level of the highway and therefore would not appear overbearing in terms of its scale. It is also considered that the palette of materials would be appropriate, with the use of render and stone work detailing and a slate tiled roof.

As such, overall, it is not considered that the resulting property would result in a harmful impact upon the character and appearance of the street scene and area generally.

Residential amenity

The site represents an in-fill plot located within an established residential area of Hirwaun, as such, a number of existing residential dwellings are located in the vicinity of the application site. As set out above, the nearest dwellings are those on Garth Grove (opposite). Whilst the proposed dwelling would be far larger than these bungalows, having assessed the relationship between the two it is not considered that the proposal would result in a loss of amenity that would be so great as to warrant the refusal of the scheme. Whilst the ridge height of the dwelling would obviously extend above that of the bungalows of Garth Grove, separation distances of approximately 32 metres would be achieved between the two. Furthermore, as mentioned above, a degree of cutting into the profile of the land would go some way to ensure the dwelling does not appear as an overbearing form of development.

It is acknowledged that the design of the dwelling includes a balcony; however this is located to the rear elevation of the property, as such views from this balcony would be primarily in a south westerly direction toward the A4059 Rhigos Road and beyond, rather than into the gardens of neighbouring plots (recently approved and under construction). Nevertheless, in order to mitigate any potential impacts a condition is suggested which requires the provision of privacy screens to the side elevations of the balcony.

Overall, it is considered that the proposal is acceptable in terms of its potential impact upon the levels of amenity and privacy enjoyed by both occupiers of existing neighbouring dwellings and recently approved neighbouring developments.

Highway Safety

In order to aid in the assessment of the scheme upon highway safety, consultation has been undertaken with the Council's Transportation Section, their assessment raises no objections to the current scheme.

Their assessment comments that access would be gained off Penderyn Road. Whilst it is noted that the layout would result in reversing taking place to and from Penderyn Road, taking into account the limited traffic using this section of Penderyn Road and the fact that the site is located on a straight section with good visibility, the proposal is considered acceptable in this regard.

In terms of parking, the proposed 4 bedroom dwelling would require up-to a maximum of 3 off-street car parking spaces in accordance with the Supplementary Planning Guidance Access, Circulation & Parking 2011, since in excess of 3 spaces are provided this is acceptable.

It is noted that there are continuous pedestrian links opposite the proposed development site, however there is currently no pedestrian footway along the proposed development site, which is of concern to the Highway Authority, as pedestrians would be forced to walk on the carriageway sharing the same surface as moving motor vehicles. The site boundary at present is 2.5m from edge of carriageway and therefore a condition has been suggested requiring that the site boundary of the dwelling be set back 2.0m from edge of carriageway. This arrangement is illustrated on the proposed layout plan, therefore demonstrating that this can be accommodated on site, without comprising the site layout.

In addition to the Council's Transportation Section, consultation has also been undertaken with Welsh Government Transport Section. Their response raises no objections to the application but recommends conditions to ensure that the development would not adversely impact upon the adjacent A4059.

Overall, the scheme is considered acceptable in highway safety terms.

Ecology

It is noted that the proposed development is located just over 120 metres away from the Blaen Cynon Special Area of Conservation (SAC), designated for the marsh fritillary butterfly. The area is also designated as Cors Bryn y Gaer Site of Special Scientific Interest (SSSI). However, having considered the location, nature and scale of the proposed development, the proposals are not likely to have significant impact on the Blaen Cynon SAC in this instance. It is also worthwhile noting that no objections were raised in relation to this issue by the Countryside Council for Wales (now Natural Resources Wales) during the assessment of the outline 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 lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

Having taken account of all of the issues outlined above and in light of the planning history of the site, the application proposal is considered acceptable. Therefore, the proposal is recommended for approval, subject to the conditions specified.

RECOMMENDATION: Grant

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

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

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

- Drawing: site location plan 1:1250
- Proposed block plan 1:500
- Existing site contour plan 1:200
- Proposed site plan 1:200
- Proposed site sections 1:200
- Proposed elevations Plot 3 scale 1:100
- Proposed ground floor (part) sheet 01 & 02 scale 1:100
- Proposed first floor scale 1:50
- Proposed section scale 1:50 sheet 01 & 02

and documents received by the Local Planning Authority on 10/03/16 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

Development Plan.

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

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

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

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

6. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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

7. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 6) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and

so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

9. Before the development is brought into use the means of vehicular and pedestrian access, together with the parking facilities, shall be laid out in accordance with the submitted site plan dated 10th March 2016 and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

10. Prior to the development being brought into use, a 2.0m wide pedestrian footway / vehicular footway crossing shall be provided along the site frontage in accordance with the submitted layout plan dated 10th March 2016 and constructed in accordance with details to be submitted to and approved in writing by the Local planning Authority, prior to commencement of development.

Reason: In the interests of highway and pedestrian safety.

11. Surface water run-off from the proposed development shall not discharge onto the public highway, any trunk road drainage system or connect to any other highway drainage system unless 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.

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

13. The applicant must ensure that all works, including drainage works, are undertaken in a manner that will ensure the stability of the A4059 is not adversely affected.

Reason: In the interest of highway safety.

14. All existing boundary features that are the property of Welsh Assembly Government must not be removed or interfered with in any way.

Reason: In the interest of highway safety.

15. Prior to commencement of development, details of a privacy screen for the side elevations of the balcony (located within the rear elevation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to beneficial occupation.

Reason: In order to protect the privacy of neighbouring occupiers in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

23 JUNE 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

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