

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

AGENDA ITEM 10 – URGENT BUSINESS

**WITH THE PERMISSION OF THE CHAIR THIS
ITEM
IS TO BE CONSIDERED AT THE MEETING**

**DEVELOPMENT CONTROL
COMMITTEE
1 DECEMBER 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

Agenda Item No. 10

**APPLICATION NO: 16/0335/10 -
DEMOLITION OF FORMER PUBLIC
HOUSE AND CONSTRUCTION OF 18
AFFORDABLE APARTMENTS
(AMENDED PLANS AND INFORMATION
RECEIVED 22/08/2016), HAND AND
SQUIRREL PUBLIC HOUSE, 19 ELY
VALLEY ROAD, TALBOT GREEN,
PONTYCLUN**

1. PURPOSE OF THE REPORT

Members are asked to consider the determination the application as outlined in the report

2. RECOMMENDATION

To agree the basis of the Authority’s appeal submission as outlined in the report below.

3. BACKGROUND

This application was originally reported at the meeting of the Development Control Committee held on 20th October 2016. The application was recommended for approval subject to conditions and the developer entering into a Section 106 agreement to ensure that the proposed development would deliver a minimum of 20% affordable housing along with a financial contribution towards the provision of play areas and public open space in accordance with the Council’s adopted Supplementary Planning Guidance. Notwithstanding the recommendation of officers Members resolved to defer consideration of the proposal to be further advised with regard to the implications of the proposals in relation to Local Development Plan policies AW5, AW11 and SSA16 and that the application be deferred to the next appropriate meeting of the Development Control Committee for a report on the extent of compliance with those policies, (minute 66 (1) refers) (The original report and subsequent report back to Members forms Appendix A to

this report). The matter was subsequently reported back to Committee on 17th November 2016 where Members resolved that they are minded to refuse the application contrary to officer recommendation as they consider that the proposal would represent an overbearing overdevelopment of the plot and that the level of car parking offered by the proposal is insufficient and would lead to increased on street parking to the detriment of highway safety (minute no. 77(1) refers) and that a further report be prepared upon the strengths and weaknesses of taking such a decision contrary to recommendation prior to determining the matter.

Members are advised that since their decision to refuse the application contrary to officer recommendation was made on 17th November 2016, the four week window of opportunity for Members to determine the application has closed as the applicants had already submitted an appeal to the planning inspectorate. As such Members are now asked to confirm that had they retained control of the matter they would have refused the application and that the following reasons for refusal reflect accurately Members position in the matter.

1. The proposed development as a result of its location size and massing would have an overbearing impact on established residential property round about to the detriment of the privacy and amenity that those properties currently enjoy contrary to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development would generate additional on street parking in an area where there is already considerable demand leading to unacceptably highway and pedestrian safety concerns and impacting on the free flow of traffic to the detriment of the safety of all highway users.
3. The proposed development will generate on street parking in close proximity to the nearby road junction thus creating hazards to the detriment of highway and pedestrian safety.

In presenting the case for the Council to the Planning Inspectorate officers will structure their representations on the following points –

- That a high density development of the kind proposed is inappropriate in a low density residential area.
- That the size bulk and massing of the proposed building is not appropriate at this location and would have an overbearing impact on surrounding residential property.
- That as a result of the size and location of the proposed building a residential area characterised by very high standards of privacy and amenity would have those standards unacceptably diminished.
- That as a result of the under provision of car parking to serve the development within the site the proposal would result in increased on street car parking in an already highly congested area with established high levels of on street car parking which would result in a detriment to highway and pedestrian safety and the free flow of traffic

APPENDIX A

APPLICATION NO: 16/0335/10 (GD)
APPLICANT: Mr D Edwards
DEVELOPMENT: Demolition of former public house and construction of 18 affordable apartments (Amended plans and information received 22/08/2016)
LOCATION: **HAND AND SQUIRREL PUBLIC HOUSE, 19 ELY VALLEY ROAD, TALBOT GREEN, PONTYCLUN, CF72 8AL**
DATE REGISTERED: 22/08/2016
ELECTORAL DIVISION: Talbot Green

RECOMMENDATION: Approve, subject to S.106 Agreement.

REASONS: The principle of the proposed development is for the reasons set out below considered acceptable in terms of planning policy and in terms of the appearance and the impact of the building proposed. The proposed development will also deliver affordable housing in an area of high demand.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;

APPLICATION DETAILS

The application seeks full planning permission for the construction of 18no. flats over three floors at The Hand & Squirrel Public House. The existing building will be demolished and replaced with a building that will comprise 12 one bedroom units (three of which will be adapted to meet the needs of those with mobility impairment), and 6no. two bedroom units. The building will be a three storey construction with a flat roof and a finish that would be a single skin membrane, grey in colour. External walls will be developed from brick on the ground floor with the upper floors finished in a combination of white smooth render and cedar cladding with the sides of the projecting bays finished in fibre cement cladding boards. Fascias, coping and windows will be grey aluminium and uPVC respectively. A token amount of open space with low maintenance planting will also be provided to the front and rear of the building.

Vehicular access to the site as now will be directly from Ely Valley Road though it will be relocated slightly further north and closer to 1 Ely Valley Road, the access and running course will be finished in tarmac. The building would have pedestrian access via clearly defined pavement to the front and rear with a central internal stairwell and lift providing access to all floors. Twelve parking spaces in brick

paviments would be provided in the rear courtyard area along with cycle store and bin storage facilities.

The application is accompanied by the following:

- Design and Access Statement
- Planning statement
- Bat Daytime Scoping Survey

SITE APPRAISAL

The application site is currently occupied by the disused public house and its car park. The Public house is a large 2-3 storey building typical of the kind of public house that might have been built in the 1960's with brick finishes and large windows with landlord accommodation on the top floor. There is also a large concrete construction external stairwell at the rear of the property. The car park like the public house shows signs of disrepair and is in need of work. The public house is attached to the local job centre on its southern side. The pub has a small patio/external drinking area on its Ely Valley Road frontage. The property occupies a site that sits on the boundary between the commercial and retail areas of Talbot Green and its residential areas. Land to the north east and west is occupied by residential property, mostly detached and within its own grounds, whilst to the south of the site lie shops, banks, offices, pubs and restaurants along with the local bus station

PLANNING HISTORY

None.

PUBLICITY

The application has been the subject of three rounds of public consultation by way of press notice, site notices and neighbour notification letters. The first round of consultation resulted in the submission of 58 letters of objection including the expressed concerns of the Llantrisant Community Council and the second round generated a further 31 letters of objection, the third round of consultations has resulted in the submission of another 22 letters of objection. Where people have made no further comment following the first two rounds of consultation it has been assumed that their objections still stand. The objections and issues raised in respect of the current proposals can be summarised as follows: –

Validity of the Planning Application

- It is alleged that the application is invalid due to there being no existing survey drawings of the public house, there being no scale bar on the drawings that are submitted and the drawings as being inaccurate and misleading.
- The supporting 3D visualisations are misleading.
- The design and access statement is inadequate and there is no Transport Assessment.

- The application form is incorrect in claiming that there is no parking available on site
- No evidence is provided that the proposed development is capable of supporting a lower level of car parking on site.
- No calculations are provided supporting refuse storage capacity.
- No calculations are provided demonstrating the adequacy of cycle storage provision.

Planning Policy

- The proposal lies within a designated retail centre and is not allocated for residential development. The site should be put to retail or daytime business usage.
- The proposals do not comply with Rhondda Cynon Taf's Supplementary Planning Guidance with regard to:
 - There being no demand for housing in the area.
 - Access.
 - Refuse storage capacity has not been demonstrated.
 - Refuse enclosure.
 - Highways.
 - There being no disabled parking space despite there being 1 disabled residential unit.

The disabled (adapted) unit is not located adjacent to the parking space

- The planning policy framework of the design and access statement advises on some of the relevant policies in the case but does not demonstrate how the proposals comply with those policies.
- The scheme fails to respect the character and context of the area contrary to policy CS2(1) of the LDP.
- The redevelopment of the site would diminish the position of Talbot Green in the retail hierarchy and as a principal town. The LDP at paragraph 6.166 indicates that a developer must evidence protracted history of vacancy or lack of response to genuine effects to market the premises for the proposed use over a significant period of time and the applicants have not evidenced this
- It is questioned as to whether or not there is a need for further social housing in Talbot Green and if it is does the current proposal align with development strategy?

Design related Issues

- The height of the scheme is disproportionate and overbearing and would also be out of character with the rest of Talbot Green however well crafted or skilfully blended the design is, the building footprint is also too large.
- The massing of the scheme has an overbearing and in some cases overshadowing impact on the surrounding property, there are no other 3 storey buildings in the immediate locality other than the public house, and all others are 2 storeys which would sit immediately adjacent to the four storey unit proposed.
- The proposal is at a density that is not in keeping with that in the surrounding residential areas.
- The proximity of the western elevation to the public footpath places ground floor bedroom windows only feet away from the footpath. This raises serious issues around personal privacy for potential residents and represents a marked contrast with the wider area with residential properties set back from the road.
- A number of the proposed flats would represent single aspect development which is contrary to the National Planning Policy Framework.
- The location of the bin store immediately opposite the access is hardly good design.
- There are too many inaccuracies in the submitted drawing for the Planning Committee to be able to make an informed and accurate decision with regard to the true impact that the proposal will have on the local street scene or the amenity of neighbours.
- The design of the proposed building shows little or no respect for the locality or local vernacular.
- The proposed building being only a metre taller than the existing is in the view of some residents questionable given that it has an additional storey.
- What happens if the builders miscalculate the size of the building what options would then be available to the Council to rectify the situation?
- It is also suggested that if Members are of a mind to support the revised proposals that any consent issued should be conditioned to ensure that the building is no more than 9.225m in height as per the applicants own drawings and that this be supported by new sectional details that in the view of objectors accurately reflect this.
- The height of the building alongside the higher ground that 1-5 Maes Y Rhedyn is built on creates a canyon effect with the consequent height and proximity effect which is particularly constricting in a suburban environment.
- The proposed apartments are an incongruous imposition on the neighbourhood and do not integrate with the established housing stock.

Privacy and Amenity Issues

- There is no amenity space provided with the scheme.

- The proposal by virtue of its height creates overlooking of neighbours private spaces and habitable rooms to a much higher degree than was previously the case.
- The proposals if allowed would result in a loss of daylight to established residential properties.
- The development phase will result in increased levels of pollution through noise and dust to local residents.
- Loss of view.
- A two storey structure would provide a more balanced profile and be less intrusive than a three storey building.

Access Highway and Car Parking

- The access to the public house also serves the rear service road for the adjacent commercial properties and its obstruction would result in problems for refuse collectors and the possibility of rubbish not being collected.
- The provision of only 12 parking spaces is wholly inadequate and will place great pressure on the very limited parking on Ely Valley Road. Potentially this proposal could generate a requirement for a maximum 49 spaces and to provide only 12 spaces is gross under provision that has not been justified by the developer.
- The under provision of parking for the proposed development is not justified by the examples of other developments undertaken by the housing association as these areas are not under the same pressures as Talbot Green particularly in terms of demand for on street parking.
- The cycle store is not shown to be secure and there is no indication that it is large enough to provide the 6 secure spaces that this development would demand.
- Access to the site is restricted as it stands given the nature of the road the mini roundabout and highway restrictions. Additionally heavy goods vehicles could not access the proposed development. The development would result in massive disruption to existing residents in its development and in its day to day running.
- The transport statement is inconsistent in claiming on the one hand that if the pub were being built now it would require 117 spaces whilst at the same time offering only 12 spaces for permanent residents on the basis that car ownership would be lower and they would seek alternative means.

Other Issues

- No separate recycling facilities have been provided.
- No renewable energy systems are being provided.

- There is a bin store on the plans but no facilities for recycling so where will this be stored?
- The bin store appears undersized and if it is to be unenclosed this will inevitably lead to littering.
- The retaining wall on the northern boundary with 1 Ely Valley Road is nearing collapse and this will impact on the development by either narrowing the potential access, the pavement or forcing the redesign of the building.
- The application is ambiguous in that the drawings imply flats yet section 18 of the application form implies there will be no flats.
- The application does not address the loss of employment.
- The application does not address the loss of a social facility.
- The lack of public consultation in respect of the current proposals.
- The potential for the proposed development to generate a reduction in local property values.
- The manner in which the application has been made misrepresents the actual proposal which is a housing association complex. It is also asked whether the proposals would be privately owned like the block at Clos Springfield.
- Concern is expressed that any potential resident should be vetted to ensure that the development does not create problems for the many elderly people who live in the locality.
- The application takes a disingenuous approach and is patronising to potential future residents in asserting that they would not aspire toward car ownership and would walk, cycle or make use of public transport.
- The proposals if allowed would exacerbate the existing public nuisance issue associated with the footpath/right of way at the rear of the property that leads to Danygraig Crescent.
- There is no need for further affordable housing provision in the area.
- The proposal does nothing to improve the quality of life of existing residents.
- The capacity of the sewerage system to cope with the proposed development is questioned.
- Claims made in respect of the marketing of the property made by Richard D Thomas cannot be regarded as impartial as that individual has a vested interest in the property.
- The site could be put to better use particularly through the provision of more parking space to serve Talbot Green.
- Having housing association accommodation in an area that is predominantly privately owned detached and semi detached family homes would be completely out of character.
- The development will adversely affect residents whilst out in the locality using local services due to the increase in numbers.
- The use of the premises as a pub could be made to work with better management than previously and with good sound insulation being fitted.

- As many resident pay £2,200 or more per year in annual Council Tax they expect the ambience of the area to be respected.
- It would be better to locate these flats in areas where people who need this accommodation already live.
- Cramming 22 apartments on to this small site is likely to induce claustrophobia to the occupants adversely affecting their mental health.
- Fears for the safety of existing residents particularly those with a limited ability to communicate.
- It is also suggested that if Members are minded to support the current proposal that any consent be subject to a Section 106 agreement requiring that bins are brought to the kerb on the morning of each refuse collection and returned to the bin store at the end of the same day.

CONSULTATION

Transportation – raise no objections to the proposed development subject to conditions.

RCT Flood Risk Management – raise no objection to the proposed development subject to conditions and indicate that there has been one recorded incident of flooding in the car park of the public house.

Public Health & Protection – raise no objections subject to conditions.

Housing Strategy - Talbot Green is a very high housing need area, and together with Llantrisant, there is a shortfall of smaller units for social rent (especially 1 beds, and 2 beds). Three of the flats will also be fully adapted to help meet the housing need of a physically disabled household. This scheme has thus been designed to meet the housing need identified within our Local Evidence Base. It also features within the Social Housing Grant Programme and represents a rare opportunity to develop much needed smaller social rented units in a highly sustainable location.

Natural Resources Wales - raise no objections to the proposed development.

Dwr Cymru/Welsh Water – raise no objections to the proposed development subject to conditions.

Western Power Distribution – no response received.

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

South Wales Fire & Rescue Service – no response received.

Countryside Section – advise that the bat report submitted in support of the application represents a sound assessment of the situation and that the conclusions drawn are reasonable. There are no records of statutory protected species from the immediate vicinity of the site.

Waste Services – indicate that the dimensions of the access road are acceptable and while refuse vehicles would have to reverse into the site but this would not be considered unreasonable or particularly difficult. The only other concern is that tarmac of a suitable grade to cope with refuse vehicles be laid within the site as that of a lesser grade would deteriorate over time and would eventually result in residents having to bring their bins and bags to the highway for collection.

South Wales Police – raise no objections to the proposed development and advise in detail in respect of ensuring site security for residents and visitors through the application of secured by design and welsh housing quality standards being incorporated into any development to be approved.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS4 – Sets the requirement for the provision of new housing within the local development plan lifespan and in accordance with policy AW1.

Policy CS5 – sets a target for the provision of affordable housing across the lifespan of the local development plan

Policy AW1 – sets out the means by which new housing will be delivered through the development plan

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 AW11 – sets criteria for the consideration of proposals for alternative uses for retail premises within defined retail areas

Policy SSA3 – sets criteria for the consideration of residential and commercial proposals in the principal town of Llantrisant/Talbot Green.

Policy SSA11 – requires a housing density of 35 dwellings per hectare in the southern strategy area unless mitigating circumstances dictate otherwise.

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

Policy SSA13 – permits residential development within settlement limits subject to specific criteria.

Policy SSA16 – places Llantrisant/Talbot Green at the top of the retail hierarchy along with Pontypridd in the southern strategy area.

Supplementary Planning Guidance

- 1 Design & Placemaking
- 3 Design in Town Centres
- 5 Affordable Housing
- 7 Planning Obligations
- 8 Access Circulation & Parking
- 10 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.

- Chapter 2 (Development Plans),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 7 (Economic Development),
- Chapter 8 (Transport),
- Chapter 9 (Housing),
- Chapter 10 (Planning for Retail and Town Centres),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 4: Retailing and Town Centres;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 21: Waste;
- PPW Technical Advice Note 23. Economic Development Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

In this case the principal determining issues are planning policy and the housing land supply issue, the design of the proposed development and its impact on the amenity of the area and highway related issues.

Principle of the proposed development

The first issue to address in the determination of this planning application is the principle of the proposed development and its acceptability, or otherwise, in planning policy terms, along with the situation with regard to current housing land supply and the demand for affordable housing. Members should though also note that the planning policy position also influences the consideration of the building design and its impact on the amenity of existing properties and the highway related aspects of this case and these are referred to under the relevant section headings below.

Inevitably in this case given its relative complexity policy can pull in different directions and the decision then turns on the relative weight to be afforded to those different aspects of policy.

In the adopted Local Development Plan, the premises are within the defined retail centre of Llantrisant/Talbot Green. Policy SSA16 defines this centre as a Principal Town Centre, where retail proposals that would maintain or enhance the centre's role as a principal town centre would be encouraged. Policy SSA17 promotes new and improved retail (Class A) facilities, and other uses that are appropriate within town centres, including Talbot Green. It further requires that proposed new uses provide a direct service to visiting members of the general public whilst retaining or providing a shop front which relates well to the street scene. Consequently there is a technical objection to the loss of a retail frontage within the designated town centre.

Policy AW11 controls the loss of retail units from the retail centres. This policy also requires that the retention of retail sites for retail purposes has to have been fully explored without success by way of marketing for appropriate retail purposes at reasonable market rates for a minimum of 12 months. To this end the applicants

have provided some detail of a limited marketing exercise undertaken on their behalf by EJ Hales which consisted of a targeted mail shot, a targeted email shot and direct contacts to parties known to have an active requirement in this sector in towns like Talbot Green – no interest was forthcoming. The supporting planning statement and supporting letter from RDT Chartered Surveyors claim that the premises has been closed since March 2015 which broadly accords with Council survey data indicating it appeared to be last used in April 2015. This explains the extent of marketing of the premises that has actually been undertaken and why there is no indication of estate agents boards having been placed on the premises or it being placed on company websites it also reinforces the claim that the physical layout of the wider locality having the effect of masking the premises so that no retailer would consider it a suitable location. Consequently, officers take the view that the applicants have undertaken sufficient work to satisfy this policy requirement

Additionally, it is recognised that this site is located on a cul de sac on the northern fringe of an extensive retail area where the centre of gravity of retail provision has moved southwards in recent years and arguably continues to do so, whilst a new residential development within this part of the Town Centre could itself create considerable daytime and evening pedestrian activity here; which would meet an element of the requirements of point 3 of Policy SSA17.

The premises are also within the wider settlement boundary of the principal town of Llantrisant/Talbot Green. Policy SSA3 gives criteria for residential development in Llantrisant/Talbot Green. Policy SSA13 gives criteria for housing development within settlement boundaries. These supplement the general policies AW1, AW2, AW5 and AW6. This is a highly sustainable location for housing and redevelopment for residential purposes would deliver certain regeneration related benefits if the proposal is to proceed. This indeed would be in part accordance with section 3 of policy AW11, which allows for the redevelopment of vacant premises for alternative uses if they have significant regeneration benefits. However, they would not be commercial in nature and would not deliver the employment opportunities that commercial or retail redevelopment would deliver. Whilst the proposals would satisfy the criteria of policies AW1 & AW2 in relation to land supply and the sustainability of the site the broader, nuanced requirements of the policies AW5, AW6 and SSA13 command closer examination and these are dealt with below and in context of the impacts of the proposed development.

The applicants agent has made reference to the current housing land supply situation in the County Borough standing at 2.4 years which is substantially below the required 5 years and that this is a weighty material consideration that favours releasing the site for residential redevelopment. Indeed, this figure has further reduced in this year's recent analyses of the matter. In this they are correct, however, proposals of this kind in order to prove acceptable, need to be acceptable on balance in the context of all other planning policies and sustainably located and

the fact that the County Borough does not currently have a five year supply of housing land should not be treated as a factor that overrides all other concerns, particularly as in this case the contribution to addressing the issue would be relatively modest. Where there is a clear demand though, is in the need to provide further affordable homes for local people. The 2014 – 15 Local Housing Market Assessment indicates that in group sub market area 10 which includes Talbot Green, that there is an identified net need for nearly 80 one bedroom properties for social rent and an identified need for more than 11 two bedroom dwellings for social rent. The current proposal would, if allowed, make a substantial contribution towards the alleviation of this specific under provision that is very local in its nature and that is a substantial contribution to meeting local need that weighs heavily in favour of this application in planning policy terms.

Design and the Impact on residential amenity and privacy

There has been a considerable amount of concern expressed by local residents that the current proposal represents an overdevelopment of the site that would have an unacceptable overbearing impact on the residential property round about the proposed development.

In response to this concern the applicants have taken the advice of officers and reduced the size of the initially proposed building by effectively removing the top floor and reducing the overall number of flats proposed from 22 to 18. The applicants also express the view that Planning Policy Wales requires developers to make the best use of land and that an overdevelopment of a site can only be considered to have occurred where the density of a scheme gives rise to an unacceptable detrimental impact.

The scale and design of the proposed building it is claimed has been carefully defined to provide a focal feature which terminates the vista from the south along Ely Valley Road, with the high quality design of the proposed building acting as a catalyst for the redevelopment of the remainder of the shopping centre in due course. On that basis it is contended that the building is neither out of keeping with the character of the area nor overbearing in terms of its impact on existing homes. Whilst officers would not have shared that view in respect of the initial submission they are of the view that the revisions to the proposed development are now acceptable in planning terms, though the claims made in respect of it acting as a catalyst to the redevelopment of the wider area are not supported with any evidence and are without foundation.

The applicants go on to point out that they believe the references to elevated habitable rooms and windows of habitable rooms being looked into are misplaced as the proposed building on its upper floors would be at the same level as the established dwellings due to the difference in levels that exists between the application site and the established property round about. They also point out that the “standard separation distance” of 21m between the windows of habitable rooms and 10.5m between windows and private gardens will be exceeded in every instance. In terms of the siting of the building on the plot and its location relative to

established residential properties this is correct and with the revisions to the scheme that have been made the applicants have overcome officers concerns with regard to the scale and massing of the proposals.

The proposed density is substantially higher than the surrounding residential area, between 150-180dpha depending on how it is measured, compared to typically below 20dpha in the surrounding area and below 10dpha on Ely Valley Road. In addition the building is 3 storeys in height compared to the typical surrounding character to the north of two storey buildings set in large gardens. Whilst this on the face of it might appear a stark contrast between the existing and proposed development in the residential context, Members are advised to keep in mind that the site is located in the town centre at a point where a clear transition exists between the residential and the commercial where it might be expected that densities might shift swiftly and severely.

The cross-sections provided show the neighbouring houses are set on raised land, the impression created by the proposed building is that it is larger in both height and massing than neighbours and prominent within the streetscene. It does not though dominate the street in a manner which is inappropriate in this location. It provides an appropriate transition between the two distinct but immediately adjacent areas.

The surrounding area is characterised by space around buildings and green landscaping. The siting of part of the building more-or-less contiguous to the edge of Ely Valley Road does not detract from this character as it would form a clear point of transition between two distinct areas. Whilst it might be considered desirable to set the building back from the edge of the street along the full length of the boundary so as to create sufficient space for landscaping and allow defensible space in front of ground floor windows, this of itself would not constitute sufficient reason for rejecting the current proposals.

Reducing the height of the building by one storey has resolved the key issues of height and massing that prompted the initial concern of officers. It appears that this has been accommodated without substantially changing the site layout or reducing the building footprint, though it has inevitably resulted in a reduction in the overall number of residential units to be provided.

Planning Policy Wales and TAN12 indicate that the visual appearance of a proposed development, its scale and its relationship to its surroundings are material planning considerations and that local planning authorities should not accept design which is inappropriate to its context, or fails to enhance the character, quality and function of an area. In this case when considered in isolation the design of the building is following revision considered acceptable. Context though also has to be considered. The applicants are relying on a rather mechanical approach in their argument citing standard distances that have been historically used in planning usually for the setting out of new housing estates as proof of acceptability and in this they are able to demonstrate that conventionally accepted norms are either achieved or exceeded. The proposal will though have a clear impact in terms of the context of the area when compared with the overtly suburban nature of the residential areas to the north and east of the site. This effect though is not at all stark because of the difference in

levels between the site and those residential areas and the site would remain to be visually read as part of the commercial rather than the residential areas

In dealing with the issue of amenity policy AW5 of the Local Development Plan requires that the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and surrounding area, it also requires that there would be no significant impact on the amenity of neighbouring occupiers. Clearly in this case there is an impact on the character and appearance of the area that would be brought about by the proposed development as outlined above. Furthermore, the proposed development would have a significant impact on the amenities of existing occupiers, the argument that the building would be at the same level as existing homes and would-be a sufficient distance (in the view of the applicants) from them represents only a starting point, whilst there would be some erosion of current circumstances and standards where the established homes which are characterised mostly as large detached houses set within spacious gardens, well set back from the road with consequently very high levels of privacy would be overlooked in a manner that is currently alien to them and which might in specific and certain circumstances be regarded as overbearing, it would not be the case in this instance that the amount of change brought about by the proposed development would be so great as to warrant refusal of the proposals – whilst residents might consider this a detrimental impact it is not in the view of officers so severe as to warrant a refusal of the application..

In terms of design and placemaking, Local Development Plan Policy AW6 requires amongst other things that new developments are appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing. In this case, it was the scale and massing of the building that was the cause of initial concern both in a contextual sense and in terms of consequent impacts on adjacent properties; however the proposed changes have adequately addressed this concern. The same policy also encourages higher density residential development on sites in proximity to local amenities and public transport as is the case here and as such the design of the proposed development and its consequent impact on the established residential development roundabout is considered acceptable in planning terms

Access and highway safety

Members should first note that despite the concerns raised by local residents that the highways and transportation section have not raised any objection to the proposed development. In arriving at this conclusion highways officers have given careful consideration to the key issues that affect this proposal. Including the existing established use at the site, the transport statement submitted in support of the application along with proper consideration of the revised proposal with regard to access, parking, proximity to local amenities and cycle parking. Whilst in their conclusions concern is expressed that the proposed development could lead to indiscriminate on street parking they remain mindful of the fact that the proposal is for social housing where car ownership rates are historically lower and the presence of traffic regulation orders to the front of the site would prevent on street parking coupled with a highly sustainable location means that they have no objection to the proposal.

Whilst the above addresses the key issues in terms of the development of the site from a highway perspective it is appropriate to address the other highway related issues raised by local residents. The service road is not part of the application site and though the site may be used to access it historically there is no obligation on the developer to retain that arrangement. Whilst the examples of other social housing developments with relatively low levels of car ownership are informative they clearly have little influence in this case as it falls to be determined on its own merit. Finally any issues around the detailing of the cycle store can be adequately addressed through conditions if members are minded to support the proposal

Residents have suggested that allowing the development would exacerbate problems associated with the existing public footpath link with Danygraig Crescent. Notwithstanding that no evidence is offered to support this claim, the redevelopment of a currently redundant site with increased passive surveillance could only improve matters in the view of officers particularly as the re establishment of site boundaries would redefine what is currently a particularly haphazard route.

Other Issues:

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

With regard to the impact of the proposal on the character and appearance of the area Members have to keep in mind that a redundant building of dated appearance would be replaced with a modern building that will be lived in by local people. Consequently, given that the proposed building is now considered acceptable in design terms there will be a clear uplift in the visual appearance of the locality. The proposal also has the potential to have a positive impact on the character of the area as it would reintroduce human activity into a currently underused site. Whilst some residents have expressed some concern at the fact the development will be social housing provision in an area that is dominated by private home ownership planning policy encourages a healthy mix of the two and this proposal would redress the balance and provide much needed social provision for local people.

From the perspective of ecology Members should note that both Natural Resources Wales or the Councils own ecologist have no objections to the proposals.

Members are advised that there is now sufficient detail in the application for it to be valid and for a decision to be made in respect of the application, there is no obligation on the part of the applicant to provide a full survey of the existing building particularly as the intent of this application is that the building would be demolished. Similarly, the presence of visualisations is not a validation requirement. Despite the concerns of objectors the supporting documentation is considered adequate and other issues raised are either not required for the purposes of validity or are issues that are better covered by condition if Members are of a mind to support the application.

Following the revisions to the proposal it is intended that three of the ground floor flats would be provided to an adaptable standard and there would be two disabled parking bays provided immediately adjacent to the car park access door and this arrangement is considered acceptable by the highways section.

The National Planning Policy Framework is applicable to England only and as such the claims made in respect of single aspect development are not applicable.

Through the application process the height of the building and its relationship to the surrounding housing has been an issue for objectors, the issue though as indicated above has been resolved through the design revisions as mentioned above and the relationship is considered acceptable. The proposal can only be dealt with on the basis of what is provided and not on the "what if " scenario as outlined above. The answer to that particular query goes to the extent of any variation and whether or not it would be prudent to consider enforcement action in such circumstances.

Objectors have raised a number of privacy and amenity related objections and these are largely dealt with above. However, with regard to the lack of amenity space this of itself is not a reason for refusing the application given the specifics of the current proposals. The loss of daylight claimed has not been supported by any empirical evidence and would ultimately be a private matter. Noise and dust generated through the course of development, as Members will be aware, forms no basis for the refusal of the planning application as these are matters that can be adequately addressed through planning conditions or through other legal mechanisms available to the Council.

Much has been made of refuse storage provision for the proposed development, or the perceived lack thereof, however this is a matter that can be adequately addressed through conditions if Members are minded to support the proposal.

The lack of renewable energy provision being built in to the development though desirable in many respects can form no basis for the refusal of the application.

Reference has been made to the current state of the retaining wall that borders the site and the fact that it is in need of repair might impact on the capacity of the applicants to deliver the proposed access arrangements. This is not so as solutions to the problem exist that would not involve further encroachment of this feature in to the application site for example it could be completely rebuilt in its current position or it could be repaired using solutions such as rock or ground bolting.

Issues relating to the loss of employment are dealt with above. The loss of the pub as a social facility has to be tempered by the fact that the very facility has been unavailable to the public for more than a year and when it was open it was clearly a source of nuisance to local residents and the area is in the view of officers better for its loss, particularly as there are a number of A3 uses in the locality that more than meet the needs of local residents in this regard.

The Council has met all of its statutory obligations with regard to the advertisement of the planning application at every revision of the proposals.

Concerns expressed with regard to the impact of the proposals on property values or for that matter the amount of Council Tax that residents of the area currently pay are not material planning considerations and can be given no weight in the decision making process. Similarly, planning cannot and does not distinguish between tenures in deciding whether or not a development is acceptable in planning terms or for that matter whether the social/private balance is a suitable mix.

Whether or not future residents would be vetted in terms of their suitability for the area or otherwise is entirely a matter for the management of the building and is not a planning issue

Residents have also indicated that the proposals would do nothing to improve the quality of life of existing residents, notwithstanding that there is no obligation on the developer to make such provision bringing the site back into beneficial use will have obvious benefits for the wider community through the removal of dereliction and the creation of a new cycle of development.. Similarly, claims that the site could be put to a better use such as car parking or that it could still function as a pub without the difficulties previously experienced are both potentially valid assertions but Members have to consider the suitability in planning terms of what is being proposed and what neighbours might prefer can have no bearing on that.

Despite the concerns of residents neither Dwr Cymru/Welsh Water nor the Council's own drainage engineers have objected to the proposed development and in the absence of any substantive evidence to the contrary this claim cannot form any basis for a refusal of the planning application.

Whilst the objectors have rightly raised the issue of a lack of amenity and recreational space associated with the current proposals, if Members are minded to approve the proposed development this would be adequately compensated for through a financial contribution to the improvement of play facilities in the area through a Section 106 agreement.

Claims made with regard to the impact of the development on the mental health of the occupants appear to have no foundation and in any event would not form a legitimate planning consideration.

Procedures for the disposal of rubbish are better dealt with through management agreements than through planning conditions

A resident has indicated that they would hold no objections to the proposals if the building were only two storeys in height and not the three storeys currently proposed. Members are reminded that decisions have to be made on the basis of what is acceptable in planning terms and not on the preferences of third parties.

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* CIL liable under the CIL Regulations 2010 (as amended).

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 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £47,359.58.

However, social housing relief may be claimed on the social housing element of the development.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

- 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.

The Section 106 requirements in this case

In this instance the section 106 requirements in respect of the development would be:

- The provision of 20% affordable housing
- The provision of play areas and public open space financial contribution in compliance with the Council's Supplementary Planning Guidance.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing in sustainable locations within the settlement boundaries as defined by the Local Development Plan. Following revisions to the design of the proposal its impacts in terms of amenity and accessibility are considered acceptable as is the overall design of the building. Whilst there was some doubt over the extent of marketing of the site and consequent compliance with policy AW11 this has now been adequately addressed and in any event on balance, these issues are in the view of officers outweighed by the level of policy compliance that the proposals otherwise demonstrate and as such support is offered for the proposals.

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:
 - The site location plan drawing no. L540/A100 Rev A.
 - The site layout drawing no. L540/A101 Rev E received 22nd August 2016.
 - Floor plans drawing no L540/A102 Rev B received 22nd August 2016.
 - Elevations drawing no. L540/A103 Rev C received 22nd August 2016.
 - Site sections drawing no. L540/A104 Rev C received 22nd August 2016.
 - Context elevation drawing no. L540/A105 Rev C received 22nd August 2016.

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

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

development.

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

4. 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.

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

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

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

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

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

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

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

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

9. Before the development is brought into use the means of access together with the parking for 12 vehicles and turning facilities shall be laid out in accordance with the approved plan A101 rev E. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

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

10. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the private shared access including its tie in with Ely Valley Road together with sections 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 prior to the first occupation of any dwelling hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

11. The development shall not be brought into use until space has been laid out within the site for a minimum of 6 secure cycle stands in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The spaces shall be retained for the parking of cycles thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To facilitate and promote sustainable modes of transport.

12. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

- -The means of access into the site for all construction traffic.
- The parking of vehicles of site operatives and visitors.
- The management of vehicular and pedestrian traffic.
- loading and unloading of plant and materials.
- Storage of plant and materials used in the construction of the development.

- Wheel cleansing facilities, and;
- The sheeting of lorries entering and 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 interest of safety and the free flow of traffic.

13. Prior to the commencement of development precise details of the refuse storage facility shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any dwelling hereby approved.

Reason: In the interests of amenity.

14. Prior to the commencement of development precise details of the cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any dwelling hereby approved.

Reason in the interests of sustainability.

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APPENDIX B

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

<p>DEVELOPMENT CONTROL COMMITTEE 17 NOVEMBER 2016</p>	<p>Agenda Item No.</p>
<p>REPORT OF: SERVICE DIRECTOR PLANNING</p>	<p>APPLICATION NO: 16/0335 - DEMOLITION OF FORMER PUBLIC HOUSE AND CONSTRUCTION OF 18 AFFORDABLE APARTMENTS (AMENDED PLANS AND INFORMATION RECEIVED 22/08/2016), HAND AND SQUIRREL PUBLIC HOUSE, 19 ELY VALLEY ROAD, TALBOT GREEN, PONTYCLUN</p>

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the application as outlined in the report.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the conditions and recommendations set out in the earlier report to Members.

3. BACKGROUND

This application was originally reported at the meeting of the Development Control Committee held on 20th October 2016. The application was recommended for approval subject to conditions and the developer entering into a Section 106 agreement to ensure that the proposed development would deliver a minimum of 20% affordable housing along with a financial contribution towards the provision of play areas and public open space in accordance with the Council’s adopted Supplementary Planning Guidance, (The original report forms **APPENDIX A** to this report). Notwithstanding the recommendation of officers Members resolved to defer consideration of the proposal to be further advised with regard to the implications of the proposals in relation to Local Development Plan policies AW5, AW11 and SSA16 and that the application be deferred to the next appropriate meeting of the Development Control Committee for a report on the extent of compliance with those policies, (minute 66 refers).

Members are advised that since the matter was deferred at committee on 20th October 2016, the applicants have lodged an appeal with the Planning Inspectorate with regard to this application on grounds of non determination. However, Members are also advised that under the provisions of article 9 of the Town & Country Planning (Development Management Procedure) (Wales) Order 2015, Local Planning Authorities can still determine planning applications subject of an appeal if that decision is made within four weeks of the appeal being lodged with the Planning Inspectorate. In this instance, the appeal was lodged on 28th October 2016 which means that Members still have the power to determine this application up until 25th November 2016 and as such, a formal decision by the Council as Local Planning Authority can still be made.

Each of the policy issues referred to are addressed in turn below.

Local Development Plan Policy AW5 sets standards and considerations with regard to amenity and access and in this instance it is understood that it is the impact of the proposal on the amenity of existing and proposed dwellings that is of concern to Members.

The first requirement of AW5 is that the proposed development in terms of its scale, form and design would have no unacceptable effect on the **character and appearance** of the site and the surrounding area. In terms of the site, a building and car park of dated and dishevelled appearance would be renewed and reinvigorated with a new build and this is positive in terms of both character and appearance of the site itself and also the wider locality. In terms of **privacy**, distances between the windows of existing and proposed habitable rooms will remain to an acceptable standard.

The site itself has no features, built or natural that would be worthy of retention.

The next issue around amenity is the impact on established neighbouring occupiers and on the amenity of any future residents of the proposed development if it is to be allowed. In this the wording of the policy is critical, in that it requires that there would be no **significant** impact on the amenities of adjoining occupiers. As the original report to Members outlined, circumstances for established local residents would change if the application is to be allowed, however these changes are not considered so significant that they would warrant the refusal of the planning application. The situation is considered acceptable in planning terms regarding its impact on existing residents and given the design of the proposed flats and the context in which they would sit, then the arrangement would also be acceptable to those who would occupy the flats.

Through policy SSA16 of the LDP the site lies within the designated Talbot Green retail area. As such policy AW11 applies which seeks to control the change from retail uses to other uses. The proposal should be assessed against criteria 2 and 3 of policy AW11 which says:

Development proposals promoting alternative uses for existing retail units within defined retail centres will be permitted where:-

2 The retention of employment sites for employment purposes and retail sites for retail purposes has been fully explored without success by way of marketing for appropriate employment/retail purposes at reasonable market rates for a minimum of twelve months.

Or

3 The development of derelict, unsightly or underused and vacant land/premises for alternative uses will have significant regeneration benefits.

The application site as a public house was marketed independently by E.J.Hales in a targeted manner concentrating on companies and individuals who have a specialism in the public house/recreation/restaurant and entertainment fields. This drew no interest from the market. Whilst the exercise did not take the traditional route of advertising in the conventional manner it is not a requirement of the policy to do so.

Even if Members are not convinced that the application has satisfied criterion 2 then it is officer's opinion that the application should still be allowed as it is acceptable under criterion 3. In this case a building that is known to have been vacant for well over a year which is showing signs of dilapidation and age and with boundary retaining walls that are indicating signs of failure, being replaced with a new building that addresses those issues, the proposals would thus meet this third criteria. To conclude officers are satisfied that the site has been marketed but there is a lack of conclusive evidence that this marketing has covered the 12 month period, but in any case it is considered that the proposal meets the requirements of Policy AW11 through the provisions of Criterion 3.

Having regard to the above, it is clear that there is no policy based objection to the proposed development. The proposal clearly satisfies the key policy requirements set out under criteria 2 and 3 of local plan policy AW11 in that the site has been advertised as a commercial premises and regardless of the extent of that advertisement it would otherwise satisfy requirements as it would deliver a regeneration project. Where the issue of amenity is concerned, the proposals demonstrate a property that would be satisfactory in its impacts and compliant with local development plan policy AW5.

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

1 DECEMBER 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

OFFICER TO CONTACT

**APPLICATION NO: 16/0335/10 -
DEMOLITION OF FORMER
PUBLIC HOUSE AND
CONSTRUCTION OF 18
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ELY VALLEY ROAD, TALBOT
GREEN, PONTYCLUN**

**MR G DAVIES
(Tel. No. 01443 494741)**

See Relevant Application File