

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
3 AUGUST 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
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: 17/0420 - Relocation of open air market (Friday) situated on Henry Street Car Park, Mountain Ash from South end of the car park to the North end, Rhondda Cynon Taf Short Stay Car Park North, Henry Street, Mountain Ash.
2. Application No: 17/0455 - Change of use of property from category C3 Dwellinghouse to a category C4 House in multiple occupation, 15 Long Row, Treforest, Pontypridd.
3. Application No: 17/0461 - Development of 22 residential dwellings, landscaping, access arrangements, car parking and associated works (Amended plans received 27/06/17), Former Williamstown Primary School, Arthur Street, Williamstown, Tonypany.
4. Application No: 17/0511 - Change of use from civil engineering and groundworks contractor and vehicle repairs garage (Class B2) to builders merchants, Tycon Civil Engineering Ltd, Cwmbach Industrial Estate, Canal Road, Cwmbach, Aberdare..
5. Application No: 17/0660 - Proposed installation of a 17.5m monopole mast, supporting 3 no. antennas, 2 no. 300mm dishes together with associated cabinets and ancillary development thereto, Land At Dodington Place, Pontypridd.
6. Application No: 17/0663 - Proposed conversion from public house to dwelling, Ye Olde Newbridge Arms, 8 Foundry Place, Pontypridd.
7. Application No: 17/0667 - Installation of a 12.5m mast with 3No antennas and 2 300mm dishes and 2 equipment cabinets 1No meter cabinet within 2.1m stock proof fenced enclosure plus ancillary development, land at Dinas Isaf Farm off Pen Darren, Edmondstown.

APPLICATION NO: 17/0420/10 (PB)
APPLICANT: RCT Corporate Estates
DEVELOPMENT: Relocation of open air market (Friday) situated on Henry Street Car Park, Mountain Ash from South end of the car park to the North end.
LOCATION: RHONDDA CYNON TAF SHORT STAY CAR PARK NORTH, HENRY STREET, MOUNTAIN ASH
DATE REGISTERED: 10/04/2017
ELECTORAL DIVISION: Mountain Ash West

RECOMMENDATION: Approve

REASONS FOR RECOMMENDATION:

The proposal is considered acceptable in policy and highway safety terms and in respect of its impact on the town centre, therefore support is offered for the proposal on a temporary basis for three years.

REASON APPLICATION BEING REPORTED TO COMMITTEE

The application is submitted by the Council involving Council land where the Council's interest is more than of a minor nature.

APPLICATION DETAILS

This application seeks planning permission for re-siting of open-air market on land at the Henry Street Car Park in Mountain Ash. The proposed market will take place one day per week each Friday and will be re-sited from the southern part to the northern part of the car park. The market has already re-sited on a temporary basis since beginning of April 2017, which is permitted for 14 days in any one calendar year without the need for planning permission in accordance with the temporary buildings and uses provisions of the Town and Country Planning (General Permitted Development Order) 1995. The current planning application seeks consent for the market to operate beyond the 14 days permitted by the Order mentioned above.

SITE APPRAISAL

The application site is located in the centre of Mountain Ash on land used as public car park located between the main shopping street and the railway line and station.

PLANNING HISTORY

11/1243	Short Stay Car Park North, Henry Street, Mountain Ash	Open air market located on Henry Street car park for one day a week (Friday)	Granted 5/12/11
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PUBLICITY

Neighbouring properties have been notified of the application which also has been the subject of site notice.

No public response forthcoming.

CONSULTATION

Transportation Section – no highways objection.

Land Reclamation & Engineering – no adverse comment.

Public Health & Protection – no objections.

Natural Resources Wales – proposed development is within Zone C1, as defined by the Development Advice Map referred to in TAN 15 Development and Flood Risk. NRW's flood information map confirms the site to within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon. NRW consider, given the nature and scale of the proposed development, the risk could be acceptable subject to the developer being made aware of potential flood risks.

Parks, Ecology and Countryside – no adverse comment.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site lies within settlement limits and within the retail centre of Mountain Ash which is a designated key settlement.

Policy CS1 supports commercial proposals that would support and reinforce the roles of principal towns and key settlements.

Policy AW5 sets a series of general criteria centred on amenity and accessibility that all new development should meet.

Policy NSA2 supports commercial developments in key settlements that reinforces their role as key settlements and supports the provision of local services.

Policy NSA17.1 allocates land at Oxford Street Mountain Ash for new retail development.

Policy NSA18 defines the retail hierarchy in the northern strategy area, restating the role of Mountain Ash as a key settlement and promoting retail uses within defined centres.

Policy NSA19 actively promotes retail uses in key settlement town centres which provide a direct service to visiting members of the public and add vitality and viability to those centres.

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 10 (Planning for Retail and Town Centres), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 15: Development & Flood Risk;
PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The key issues in this case are the planning policy position, the impact of the proposal on Mountain Ash Town Centre and the acceptability of the proposal in highway terms.

As a retail function within the defined town centre of an identified key settlement, planning policy at the local and national level proves broadly supportive of this proposal, as it supports a widening of the town's retail offer (albeit for only one day a week) that serves to make it more attractive to potential shoppers. Policy NSA 17 does identify this site as suitable for a more permanent form of retail development but this would not preclude the temporary use of the site as a market until more favourable economic conditions allow a more permanent solution for this part of Mountain Ash. In the event planning permission being recommended it is considered that consent ought to be time-limited to no more than three years from the date of the permission so as not to unduly frustrate the delivery of proposals in accordance with policy NSA 17.1 should that arise in the meantime.

The policy position is reflective of a wide-ranging need to make town centres more attractive places to visit and shop. The once a week market adds diversity and choice to the locality on one of the principal shopping days of the week and as such the proposal is in this sense welcomed. The downside to this proposal is a temporary loss of car parking space for the time the market operates. On balance it is considered that the benefit the market brings outweighs this relatively minor loss, particularly given the extent of available parking space almost immediately adjacent.

The impact of the proposal in highway terms like the proposal itself is temporary. The Transportation Section has raised no objection to the proposal. While this temporary loss of parking space might lead to some slightly increased congestion in and around the town centre it is not considered to be a threat to highway safety and it could not form a basis for refusal of this current proposal.

Other Issues:

The following other material consideration has been taken into account in considering the application, though was not the key determining factor in reaching the recommendation.

Flooding:

Although the application site lies in an area at risk of fluvial flooding from the River Cynon, NRW has advised that in view of the nature and scale of the development the risk is acceptable provided the developer is made aware of it. In the event of planning permission being granted it is suggested that an informative note be attached to the decision notice advising the developer of the flood risk.

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

In conclusion, the proposal is considered acceptable in policy and highway safety terms and in respect of its impact on the town centre and as such support is offered for the current proposal on a temporary basis for three years.

RECOMMENDATION: Grant

1. The use hereby permitted shall be discontinued on or before 31st December 2020 unless before that date application shall have been made to and permission granted by the Local Planning Authority for a further period of time for the continuance of a one-day-a-week market to take place on Fridays.

Reason: To enable the Local Planning Authority to review the position at the end of the time period granted as the land is allocated for other development under Policy NSA17.1 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 17/0455/10 (PB)

APPLICANT: Mr Eric Cole
DEVELOPMENT: Change of use of property from category C3 Dwellinghouse to a category C4 House in multiple occupation.
LOCATION: 15 LONG ROW, TREFOREST, PONTYPRIDD, CF37 1SU
DATE REGISTERED: 06/06/2017
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve

REASONS FOR RECOMMENDATION:

The dwelling is in an area of Treforest where the proportion of houses in use as HMOs is high. There are concerns that the development exacerbates over-concentration of HMOs in Treforest and various attendant problems. The dwelling is capable of conversion to an adequate standard and has refuse storage space but no off-street parking though is situated in close proximity to public transport, shops and other facilities that significantly lower the need for use of private car. There is currently no empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality therefore on balance the development complies with Policy AW5 of the LDP.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee at the request of Councillor Powderhill to consider the consequences of the development for the character and appearance of the area where a significant number of dwellings are in use as houses in multiple occupation (HMO).

APPLICATION DETAILS

Full planning permission is sought for conversion of a dwelling house (Class C3) to a three-bedroom house in multiple occupation (Class C4) at 15 Long Row, Treforest.

The application will not involve any material physical alteration to either the exterior of the building. The property is currently let as private dwelling though is now seeking consent for use as a small HMO.

SITE APPRAISAL

The application property is a small, single storey middle of terrace house, with a modest rear garden, situated in Long Row. There is no off-street parking space associated with the use of the property and no vehicular access to the rear.

Long Row comprises terraced houses in a primarily residential neighbourhood of Treforest, which is a ward characterised by a significant number of dwellings in use

as HMO's predominantly occupied by students of the University of Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application and a site notice displayed.

One letter of representation received from a member of the public objecting to the proposal for the following reason:

- The area is saturated with HMOs which have a detrimental effect on the area, including refuse disposal, car parking, houses only in use in the term time compounding the housing issues for families trying to rent an affordable house in the area.

CONSULTATIONS

Transportation Section - no objection.

Flood Risk Management – no adverse comment.

Public Health and Protection - reply waited.

South Wales Police - have no objection to the above application and recognise that Houses in Multiple Occupation (HMO's) provide an important source of housing and form part of a balanced housing provision mix. In some areas HMO's can have an impact on crime, disorder, parking, nuisance and general neighbourhood cohesion. Research carried out by the Police Foundation (2015) indicates that HMOs had higher burglary, violent incidents and fire risks. South Wales Police also recognise that students can be seen as a vulnerable group in society due to age and often being away from home for the first time and as such need accommodation which affords. Because of this South Wales Police would recommend that the following measures are in place for HMOs to ensure adequate security and safety:

- Access control for premises with 4 or more persons.
- Every individual to have lockable private living areas.
- Secure rear gardens (minimum 1.8m high secure walling, fencing and gating)
- Premises management plan
- PAS24 compliant entrance/exit doors
- PAS24 compliant ground floor windows
- Adequate fire risk assessments are carried out on the premises.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application property is situated within the settlement boundary of Treforest and is unallocated.

Policy CS2 – sets out criteria for achieving sustainable growth including promoting development that would not unacceptably conflict with surrounding uses.

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.

Supplementary Planning Guidance (SPG)

Access, Circulation and Parking

Design and Placemaking

Development of Flats – Conversion and New Build.

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 18: Transport
Manual for Streets

Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

REASONS FOR RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require 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 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 property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as single dwelling house in Class C3 to house in multiple occupation in Class C4 in principle does not conflict with development plan policy as both uses are residential. Moreover, the Welsh Government's '*Houses in Multiple Occupation: Practice Guidance*' (February 2016)

acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the same practice guidance recognises that in areas where the proportion of properties in use as HMOs is high then particular issues can arise. The application property, 15 Long Row, is situated in the Treforest ward which is characterised by a significant concentration of HMOs on a scale not found anywhere else in Rhondda Cynon Taf. In recognition of this local situation the Council operates a HMO licensing scheme (in addition to the mandatory scheme) under the provisions of the Housing Act 2004. The additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely at the characteristics of the neighbourhood in the immediate vicinity of the application property, it is evident that a number of houses are already in use as HMOs. Of the total of 28 houses within a 50 metre radius of 15 Long Row 7 (25%) are licensed by the Council as HMOs and of the 117 houses in the whole of Long Row, Rhys Terrace and Meadow Street 48 (41%) are licensed HMOs. On this evidence one quarter to over one-third of dwellings in the vicinity of Long Row are in uses as HMOs. This level of concentration of HMOs is comparable with levels found in streets closer to the Treforest campus where the overall proportion of houses in uses as HMOs typically is around one-third of dwellings, reaching as high as two-thirds in some streets. The proportion of houses in use as HMOs in Long Row is high and poses particular concerns that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site has arguably changed the social character of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to a community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies.

There can be little doubt that residents of Treforest face the types of problems described above, however determination of this application turns on the specific effects of the change of use of 15 Long Row from C3 dwelling to a three-bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building. Whilst acknowledging that the number of recorded waste offences in the local area and not

disputing that the proposal could potentially lead to unsightly fly tipping or other visual blight there is ample space within the rear garden storage of refuse bins. The level of car ownership associated with 3 separate occupiers has the potential to be higher than would be the case if the dwelling was occupied by a single household, which is a particular concern in view of the absence of off-street parking and the high demand placed on-street parking experienced in Long Row and neighbouring streets. However, the application property is situated in reasonable walking distance to public transport services, shops and facilities, therefore on balance it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians. Accordingly the application has attracted no objection from the Transportation Section.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there are a number of HMOs within the vicinity of the application property, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal, in isolation, would be directly harmful to the social cohesion of the area, having regard to the existing profile of the community. It is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. Whilst the concerns raised in this report are fully acknowledged and that each case must be considered on its own merits, by the same token there has to be recognition of the fact all recent planning applications for C4 HMOs in the Treforest area refused by the Council have been subsequently been allowed on appeal largely for the reasons of lack of a locally defined HMO threshold policy supported by empirical evidence of harm caused by the current concentration of HMOs in Treforest.

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 liable for a charge under the CIL Regulations 2010 (as amended).

Conclusion

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval.

RECOMMENDATION: Grant

1. The development shall begin not later than five years from the date of this decision.

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

2. The development hereby approved shall be carried out in accordance with the following approved plan:

- 15 Long Row, Treforest – Site Plan
- 15 Long Row, Treforest - Proposed ground floor and first floor plan.

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

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APPLICATION NO: 17/0461/10 (HL)
APPLICANT: Willis Construction
DEVELOPMENT: Development of 22 residential dwellings, landscaping, access arrangements, car parking and associated works (Amended plans received 27/06/17)
LOCATION: FORMER WILLIAMSTOWN PRIMARY SCHOOL, ARTHUR STREET, WILLIAMSTOWN, TONYPANDY, CF40 1NZ
DATE REGISTERED: 10/05/2017
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: Approve, Subject to a Section 106 Legal Agreement

REASONS FOR RECOMMENDATION:

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

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the development of 22 dwellings with associated landscaping, access arrangements, car parking and associated works on the site of the former Williamstown Primary School.

The development would comprise the following:

- one No. four bed, three storey, detached house (unit 7);
- two No. three bed, two storey detached houses (units 1 and 6);
- four No. three bed, two storey, semi-detached house (units 2-5)

- eight No. one bedroom flats (units 8-15);
- four No. two bedroom flats (units 16-19);
- two No. semi detached, two bedroom bungalows (units 20 and 21); and
- one No. detached, four bedroom assisted living bungalow (unit 22).

With the exception of the four bedroom assisted living bungalow, the properties would be arranged around the boundaries of the site, fronting Blanch Street, Coronation Street and Arthur Street. The assisted living bungalow (Unit 22) would be positioned in the south-eastern part of the site fronting the new internal road, parking and turning area.

Each of the houses (plots 1-7) would benefit from a small courtyard garden to the front, a private rear garden and two off street parking spaces. The remaining properties would benefit from an area of amenity space to the rear or side of the buildings and at least one parking space per unit of which five would be allocated as disabled parking spaces with two visitor spaces. The parking areas would be provided at the centre of the site.

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

Vehicular access to units 1-6 would be via Blanch Street, unit 7 via Coronation Street and units 8-22 via a new highway leading from Arthur Street. The existing layby areas on the north-eastern side of Arthur Street would be maintained.

A play area would be provided in the southern corner of the site, near the junction of Arthur Street and School Street with access from Arthur Street only. All of the units would be Social Rented properties.

The application is accompanied by the following:

- Pre-Application Consultation Report;
- Design and Access Statement;
- Coal Authority report;
- Site investigation report;
- Site investigation report 1B;
- Supplementary site investigation report;
- Geotechnical report; and
- Geologist report;

SITE APPRAISAL

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

The site is roughly rectangular in shape, extends to approximately 0.51 hectares and formerly accommodated a range of vacant school buildings and its associated grounds which were demolished in 2016.

The site slopes downwards from north-east to south-west (from Blanche Street to Arthur Street). An existing and original retaining wall runs through the site from north-west to south-east, demarking a change in levels between the north-eastern and south-western part of the site. The site is surrounded by residential properties which vary from terraced properties to semi-detached and detached dwellings. A former children's play area was located in the north-western corner of the site, at the junction of Coronation Street and Arthur Street but was removed as part of the site clearance. The south-western and part of the south-eastern boundary is defined by a retaining wall adjacent to the public pavement of Arthur and School Street.

PLANNING HISTORY

16/0029/23	Prior approval for the demolition of the former school buildings	Permission not required 09/02/16
15/1636/10	Demolition of existing school buildings and the erection of 25 residential dwellings with associated landscaping, car parking and associated worked (Amended plans received 26/01/2016)	Granted 09/06/16
13/0447/10	Residential development to create 23 No. houses (Amended Plans Received 08.07.13)	Withdrawn 10/10/16

PUBLICITY

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. One letter of objection has been received in relation to the original plans and is summarised as follows:

- The design of the 3 storey homes with front dormer do not fit into the current area.
- The third storey will have a direct view down into our bedroom & would intrude our privacy.
- The tallest houses have been planned to be developed opposite a row of houses that are near the road when a larger house which is set back further from the road has the 2 storey houses planned opposite.

Following the submission of amended plans and a further period of consultation, no objections or representations have been received.

CONSULTATION

Transportation Section – no objection subject to conditions.

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

Housing Strategy – no objection.

Education – no response received. However, as part of application 15/1636/10 no objection was raised as there is sufficient capacity in local schools to admit new children.

Environmental Services (Parks) – no response received. However, as part of application 13/0447/10 no objection was raised subject to the proposed play area

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

Flood Risk Management - no objection subject to conditions

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

Wales and West – advice provided regarding the location of apparatus

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

The following Supplementary Planning Guidance documents are also applicable:-

- Access, Circulation and Parking;
- Planning Obligations;
- Design and Placemaking;
- Affordable Housing; and
- Development of Flats

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 12: Design;

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

PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application proposes the construction of 22 residential units on the site of the former Williamstown Primary School. The site is located inside of the defined settlement limits as defined by the Rhondda Cynon Taf Local Development Plan (LDP) and within an established residential area. As such, the key considerations with regard to the determination of this application are: the impact of the proposed development on the character and appearance of the surrounding area; impact on the residential amenities of neighbouring properties and highway safety.

Principle of development

As specified above, the application site comprises the former Williamstown Primary School site, which forms part of the village of Williamstown. Under the provisions of the Local Development Plan, the site is within settlement boundaries and is

unallocated. It is considered that the principle of developing the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land and has been positively established by the approval of application 15/1636/10, for the provision of 25 units, on 9th June 2016, following the completion of section 106 legal agreement. The current proposal would generate a density of 43 dwelling per hectare.

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

Character and Appearance of the Area

With regard to the impact of the proposal on the character and appearance of the area, it is considered that the redevelopment of the site for residential purposes would be in keeping with the existing residential character of the area.

It is considered that the mass, size, scale, siting, overall arrangement and appearance of the proposed dwellings would respond to the topography and built form of the area and would help create a development that would sit comfortably within its context to the benefit of the overall character of the area. Whilst the designs of the proposed dwellings do not match exactly the properties in the immediate area, the use of a limited palette of materials, the details of which can be sought be condition, would help the development assimilate further with those dwellings closest to the site. It is therefore considered that the proposed development is acceptable and in keeping in terms of its impact on the visual amenity and the overall character and appearance of the area. the application is therefore considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

The development as proposed has been designed with the majority of the dwellings (with the exception of Unit 22) fronting and addressing the streets that bound the site. Units 1-6 would front Blanch Street to the north-east; units 7-11 would front Coronation Street to the north-west and units 12-21 would front Arthur Street to the south-west. Such an arrangement would maintain a minimum distance of 13.2m distance between the front elevation of the existing and proposed properties. Although the position and design of unit 7, facing Coronation Street, with its front dormer could have the greatest impact, it is considered that the internal arrangement with a kitchen at the front of the property at ground floor level, front to front arrangement and distances maintained, relative to the context of the area, would prevent the proposal from being so detrimental to the residential amenity of those in Coronation Street to warrant refusal of the application on such grounds. The developer has confirmed that unit 7 has been designed with a specific family in mind. Following consultation, no objections or representations have been received from the residents of Coronation Street.

Units 10 to 21 would be positioned at a higher finished floor level than the dwellings on the opposite side of Arthur street. In an attempt to reduce the opportunities for overlooking and infringement of privacy, where possible, the accommodation has been arranged to provide non habitable room accommodation in the front of the properties, facing the highway and existing properties, with a minimum separation distance of 14.2m being maintained. Again, being mindful of the context of the area and the arrangement proposed, the separation distances maintained are considered reflective of the existing relationship between residential properties in the area further along the street and is therefore acceptable in this instance.

The plans initially submitted indicated the provision of six detached, three storey dwellings along the north-eastern boundary of the site, facing Blanch Street. Following consultation, residents raised concerns regarding the size, scale, design and impact of these dwellings. Following discussion and negotiation, amended plans have been submitted indicating the provision of two storey, detached and semi detached dwellings on this part of the site. Following further consultation, no objections or representations have been received with regard to the amended plans. On the whole, it is considered that the design and arrangement now proposed would ensure that overlooking between habitable room windows would be kept to a minimum, the terraced/ stepped layout, would work with the topography of the site and the distances maintained would prevent the development from having an overbearing impact on the neighbouring properties.

Within the site itself each of the plots would benefit from access to an area of private amenity space, with the layout ensuring reasonable separation distances are maintained between the proposed units.

With regard to the proposed flats, the proposed layout plan indicates the provision of an area of private amenity space to the rear of the buildings as well as the provision of cycle parking, refuse storage and dedicated parking for each unit. The accommodation is considered compliant with the Welsh Government's Design Quality Requirements and in accordance with guidance provided as part of the Council's Supplementary Planning Guidance for flat developments.

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

Highway Safety

Following consultation the Council's Transportation Section has raised no objection to the application subject to conditions.

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

The development proposes the provision of 33 parking spaces. Although this is 24 spaces short of the maximum standards specified as part of the SPG, being mindful that the development comprises social housing with a lower level of car ownership and the sites sustainable location relative to public transport and a number of local facilities, the shortfall is considered acceptable, with any short term visitor parking being accommodated on the adjacent terraced streets and the new internal access road. Although the scheme proposes a number of driveways that would cause vehicles to reverse either to or from the highway, given that the streets within the vicinity of the site already benefit from traffic calming measures to reduce vehicle speeds, no highway objection is raised.

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

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

Other Issues

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

Ecology

The 2010 South East Wales Biodiversity Records for the area indicate that the school buildings originally accommodated a large maternity bat roost. Bat surveys were submitted and considered by the Council's Ecologist and Natural Resources Wales as part of application 15/1636/10, with prior approval for the demolition being granted as part of application 16/0029/23. The buildings were subsequently demolished in 2016 and as a result, there are no current ecological concerns with regard to the proposal.

Public Health & Protection

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

Following consultation, Natural Resources Wales (NRW) have provided the following response:

"The information provided demonstrates that it is unlikely to be a risk to controlled waters posed by land contamination associated with the site. Elevated concentrations of PAH's identified within the made ground is characteristic of the fill material described and is unlikely to pose a risk to controlled waters due to its limited leachability and mobility. The information has not confirmed whether there are heating oil tanks present that may be associated with the former school."

In light of the above, NRW have raised no objection to the application subject to imposition of a condition requiring the submission of additional reports should contamination not previously identified, be found to be present at the site during development.

Subject to the imposition of the conditions requested, the application is considered compliant with the relevant requirements of policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Affordable Housing

The application proposes that all of the units would be retained for social rented purposes. Following consultation the Authority's Housing Strategy Officer has provided the following response:

"This affordable housing scheme has been designed in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within the Tonypany/Penygraig housing market area with the amended scheme being designed to better meet the local housing need. I am content that the proposal responds well to the Local Housing Market Assessment evidence, and, as such, would satisfy Policy NSA11 of the adopted Local Development Plan."

In light of the consultation response received, the application is considered compliant with the requirements of policies CS1, CS5 and NSA11 of the Rhondda Cynon Taf Local Development Plan. The developer will be required to enter into a Section 106 legal agreement to secure and retain the tenancy of all the units as affordable housing. Following discussions, the developer has confirmed that they would be willing to enter into such an agreement.

Play space provision

The proposed site layout plan indicates that the site of the former playground area, located at the junction of Coronation Street and Arthur Street would be utilised as part of the development, with a new play area provided in the south-western corner, to the side of number 21 and 22 with access gained via Arthur Street. The original playground was formerly owned by the Authority with ownership transferred as part of the Section 106 agreement forming part of application 15/1636/10. Being mindful that the current application proposes the same alterations as that approved as part of application 15/1636/10, it is considered necessary to condition the details of the play area to be submitted and require the developer to enter into a Section 106 to

provide a commuted sum for the adoption and future maintenance costs of the area. Following discussions, the developer has confirmed that they would be willing to enter into such an agreement.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

In this case the developer will be required to enter into a Section 106 agreement to provide:

- Countryside & Leisure (Parks) - a commuted sum of £30,000 for future maintenance of the play area should it be adopted; and
- Secure the tenancy of all the units as affordable housing.

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

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with relevant policies

of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon the privacy and amenity of neighbouring dwellings, highway safety, ecology and affordable housing provision. It is therefore recommended that the application be approved subject to the conditions and the completion of a Section 106 agreement.

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) A200; A201; A202; A203; A204; A205; A207; A208; A209; A210; A211; A212; A213; A214; A215; A216; A217; A218; A219; A220; A221; A222 and documents received by the Local Planning Authority on 24th April 2017, 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. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: There may be unidentified areas of contamination at the site that could pose a risk to controlled waters if not remediated, in accordance with the requirements of policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

5. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the internal road layout including sections; street lighting details, traffic calming, vehicular crossover's and

surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. No development shall take place, including any works of site remediation, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
1. the means of access into the site for all construction traffic,
 2. the parking of vehicles of site operatives and visitors,
 3. the management of vehicular and pedestrian traffic,
 4. loading and unloading of plant and materials,
 5. storage of plant and materials used in constructing the development,
 6. wheel cleansing facilities,
 7. 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, in accordance with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

9. Notwithstanding the details of the approved plans, development shall not commence, other than any necessary site remediation, until details of the removal of any traffic sign and road markings relating to the former use as a school site on the existing highway network shall be submitted to and approved in writing by the Local Planning Authority. Changes to signage and road markings shall be implemented in accordance with the approved plans prior to beneficial occupation of the first unit.

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

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

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

11. Development shall not commence, other than any necessary site remediation, until the relocated position of the service apparatus affected by the proposed development has been submitted to and agreed in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

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

12. Prior to installation, details and samples of all the external materials to be used, including all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: In the interests of the character, appearance and visual amenity of the site and wider area in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to the first beneficial occupation of the dwellings, a comprehensive scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 14. Details of equipment provision, layout and surfacing of the proposed play area shall be submitted to an approved in writing by the Local Planning Authority. The play area shall be provided, in accordance with approved details, prior to the first beneficial occupation of the dwellings.

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

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APPLICATION NO: 17/0511/10 (EL)
APPLICANT: Builder Bitz
DEVELOPMENT: Change of use from civil engineering and groundworks contractor and vehicle repairs garage (Class B2) to builders merchants (Parking layout plan received 21/06/17).
LOCATION: TYCON CIVIL ENGINEERING LTD, CWMBACH INDUSTRIAL ESTATE, CANAL ROAD, CWMBACH, ABERDARE, CF44 0AG
DATE REGISTERED: 08/05/2017
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve subject to conditions

REASONS FOR RECOMMENDATION:

The proposal is in keeping with policies AW5 and AW11 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed activities would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of Tycon Civil Engineering Ltd, Cwmbach Industrial Estate, Canal Road, Cwmbach, from a civil engineering and groundworks contractor and vehicle repairs garage (Class B2) to builders merchants (sui generis).

No increase in the footprint of the building is proposed and no external alterations the appearance of the elevations are required. A parking layout plan accompanies the application. This illustrates that 4 no. customer car parking spaces and a turning area would be provided to the front of the site. 3 no. staff car parking spaces would be provided to the rear of the building. The plan also illustrates that there is sufficient space for 3 no. delivery vehicles to be accommodated within the rear warehouse part of the building. A large yard area would be available to the rear of the building as a turning area for delivery and supply vehicles.

SITE APPRAISAL

The application property is an industrial unit located on Cwmbach Industrial Estate, Canal Road, Cwmbach. The unit forms part of wider group of industrial units which accommodate a range of uses; neighbouring uses include a car sales business, car repairs garage and engineering company. It is also noted that another builders merchants operates from a unit to the far north west of the site. The building is a double height construction, with a ridge roof. Its elevations are clad in box profile sheeting. Access is gained via an internal estate road that connects with Canal Road. Parking is located to front of the units, with a large yard area to the rear. Internally the building is currently divided into two, with the front being used as offices by a civil engineering company and the rear being used as a commercial repairs garage.

PLANNING HISTORY

There is no relevant planning history on the site in question.

PUBLICITY

The application was advertised by direct neighbour notification and site notices. Three letters of representation have been received, these are summarised as follows:

- The proposed plans do not clearly illustrate defined car parking spaces.
- Concerns are expressed that there would be insufficient car parking facilities for staff, visitors and commercial vehicles.
- The business would attract a substantial increase in both pedestrian and road traffic with many of these being larger vehicles. Furthermore, deliveries would be via larger aggregates vehicles.
- Concern is expressed that the necessary provision for such vehicles would not be achievable on the site in question.
- The current road access is a service road and does not lend itself to the proposed increase in traffic.
- It is noted that builders merchants receive daily deliveries of materials, many on articulated 40 tonne vehicles, with normal requirements stating that these vehicles must enter and exit the premises in the same direction, avoiding the need to reverse.
- The safety of the public, existing visitors and staff must be considered.
- A neighbouring business comment that they require 24 hour access to their premises and they receive daily steel deliveries via articulated vehicles.

- They comment that the applicant should be required to demonstrate a safe environment for work colleagues and customers. They should be required to follow HSE vehicle handling requirements.
- They believe that a transport assessment and traffic management scheme should be required in connection with the proposal as the likely traffic movements between the existing and proposed uses are significant and the existing infrastructure cannot support these.
- It is commented that the area is already served by a well established builder's merchants.

CONSULTATION

Transportation Section – no objections raised, condition suggested.

Dwr Cymru/Welsh Water - no objections raised, notes suggested.

Natural Resources Wales – no objections raised. The proposed development is within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). However, given the scale and nature of the proposed development (and in the absence of a flood consequence assessment) NRW consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

Public Health & Protection – no objections raised.

Land Reclamation & Drainage – no objections raised.

Planning Policy – no policy objections raised. The principle of the proposal is acceptable as the proposed use would exhibit the characteristics of a B-class use and would therefore integrate positively with the surrounding employment uses.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within defined settlement limits of Cwmbach/Aberdare

Policy AW2 promotes development in sustainable locations.

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

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

Policy AW11 Existing Employment and Retail Uses – sets out the criteria for development proposals promoting alternative uses for existing employment sites and retail units.

Policy 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 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.

The application property represents an established building, with a history of commercial activities (albeit general industrial), located within settlement limits. The proposal seeks to change the use of the building from a civil engineering and groundworks contractor and vehicle repairs garage (Class B2) to builders merchants (sui generis). No external alterations to the major fabric of the building are required. As such, the key considerations in determining this application are the compatibility of the proposed use within the established area and the potential impact upon the amenity of neighbouring occupiers. The impact of the change of use upon highway safety is a further consideration.

Proposed Uses & Amenity Impacts

The building itself forms part of a group of established industrial units, located within the Cwmbach Industrial Estate. In assessing the proposal consideration must be given to the requirements of policy AW11. This provides a criteria for assessing schemes which propose alternative uses for existing employment sites.

Under usual circumstances, criteria 2 of policy AW11 requires that an effort is made to retain employment sites for employment purposes by way of marketing for a minimum of 12 months. However criteria 5c of this policy allows for proposals for sui generis uses to be considered on such employment sites, if it exhibits the characteristics of a B-class use. It would appear that this proposal, for use as a builder's merchants, would exhibit the characteristics of a typical employment site (B-class use); therefore meaning that marketing of the site would not be required in this case. This is also evident given that the applicant's company, Builders Bitz LTD, are also currently located in Cwm Cynon Business Park – a similar employment site to Cwmbach Industrial Estate – and holds the characteristics of B-class usage.

Furthermore, as set out above, the building lies within an established industrial estate where a variety of differing business operate from neighbouring units. These include car sales garage, car repair garages and engineering businesses, all of which trade throughout the day, attracting business from visiting members of the public and trade. It is also noted an existing builders merchants operates from a unit

approximately 200 metres to the north west of the site. Overall, it is not considered that the general nature of the proposed use would be out of keeping with the character of the area or surrounding uses and would therefore conform with the requirements of policies AW2 and AW5.

Amenity

In terms of its location, the building is surrounded by neighbouring commercial uses and forms part of an established trading estate, as such the nearest residential properties are located approximately 60 metres north east of the application site and separated from the development site by a busy main road. Therefore, it is not considered that the use would generate any adverse impacts upon the occupiers of these dwellings.

Whilst it is noted that three letters of objection have been received from neighbouring businesses, the major area of concern identified within these relates to the impacts upon highway safety and traffic movements. In terms of the nature of the business itself and its operation, it is not considered that the proposed use would be likely to cause an unacceptable degree of disturbance to neighbouring commercial occupiers.

Character and appearance

As set out above, the scheme involves the refurbishment of the interior of the property with no alterations required to the exterior. No increase in the footprint of the building is proposed and externally, the existing pattern of fenestration would be retained. As such, it is not considered that the proposal would adversely compromise the character of the area.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the site is served via Canal Road and the private access road serving Cwmbach Industrial Estate. The private access road measures 6.1m in width with no parking restrictions and no footways. There are a variety of commercial businesses and retail units served off the industrial estate.

It is noted that there is some concern in relation to the existing high on-street car parking demand, due to the near-by train station and number of commercial businesses, resulting in overspill on-street car parking, that in turn narrows the available width to single file traffic to the detriment of safety of all highway users. However, it is noted that the operation of the existing civil engineering business and commercial garage would generate a number of trips by a variety of different vehicles including Heavy Goods Vehicles and low loaders.

In terms of car parking, the proposed builder's merchant requires 7 off-street car parking spaces for staff and customers and 3 commercial vehicle car parking spaces with turning area for access / egress to take place in forward gear. The developer has submitted an amended plan which illustrates the provision of 7 no. off-street car parking spaces for staff and customers, 3 no. commercial vehicular parking spaces

within the building, and the rear yard area being available for circulation and parking of HGV delivery vehicles. Having reviewed this layout, the Council's Transportation Section consider this arrangement to be acceptable.

Overall, their observations do express some concern in relation to the amount of indiscriminate on-street car parking taking place along the access road (due to its location close to Cwmbach Rail Station) which in turn narrows the available width to single file traffic. However, taking into account the proposed site is located within an established industrial estate and the fact that the types of vehicles delivering to the site would be similar in size to those associated with the existing use on-balance the proposal is considered acceptable in highway safety terms and no objections are raised.

Flood Risk

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

However, they comment that, given the scale and nature of the proposed development, which proposes a change of use in the land alone without any increase in the scale of the building, the potential risks associated with flooding could be acceptable subject to the developer being made aware of these, and advised to install flood-proofing measures as part of the development. As such, a series of informative notes to this effect are recommended should Members be minded to approve planning permission.

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, the application proposal is considered to be in accordance with the requirements of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed activities would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of

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

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

Site location plan scale 1:1250.
Proposed parking layout Project No. 7900 Drawing no.02.
Proposed plans & elevations Project No. 7900 Drawing no.01.
Existing plans & elevations Drawing no. TB1/17.
and documents received by the Local Planning Authority on 08/05/17 and 21/06/17 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the Builder's Merchants hereby permitted) shall be operated from the property site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission in accordance with Policies AW5 and AW11 of the Rhondda Cynon Taf Local Development Plan.

4. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 02 and approved by the Local Planning Authority and that area shall remain for the parking and turning of vehicles thereafter unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety/ to ensure vehicles are parked off the highway.

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APPLICATION NO: 17/0660/10 (MF)
APPLICANT: CTIL & TELEFONICA UK LTD
DEVELOPMENT: Proposed installation of a 17.5m monopole mast, supporting 3 no. antennas, 2 no. 300mm dishes together with associated cabinets and ancillary development thereto.
LOCATION: LAND AT DODINGTON PLACE, PONTYPRIDD, CF37 4DZ
DATE REGISTERED: 13/06/2017
ELECTORAL DIVISION: Trallwn

RECOMMENDATION: Approve

REASONS FOR RECOMMENDATION:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and its potential impact upon the amenity and health and safety of the nearest residents. Furthermore there would be no impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as it is a full application for a telecommunications mast and associated apparatus.

APPLICATION DETAILS

Full planning permission is sought for the installation of a telecommunications mast and 2 no. associated ground based equipment cabinets at Dodington Place, Pontypridd. The proposed mast and cabinets would be sited on the grass verge along the northern side of the street, approximately half way between the junction of Dodington Place with Merthyr Road (north-east of the site) and the A470 bridge (south-west of the site). The development would comprise:

- 1 no. 17.5m high Jupiter Streetworks design monopole mast incorporating 3 no. antenna and 2 no. dishes (all internal).
- 2 no. ground based cabinets directly adjacent to the mast, one either side, in order to house the necessary associated equipment. The first of the cabinets would measure 600mm in width by 600mm in depth by 1.8m in height, with the second cabinet measuring 800mm in width by 800mm in depth by 2m in height.

The applicant has detailed that the equipment is necessary in order for Vodafone and O2 to provide new 4G coverage and improved 2G/3G coverage to their customers within the Trallwn/Common area of the town. It is also detailed that five alternative sites were investigated prior to submitting the application however the application site was considered the best option in respect of impact upon surrounding residents and signal coverage.

It is also noted that an ICNIRP (International Commission on Non-Ionizing Radiation Protection) declaration has been submitted with the application stating that the proposed installation would be in full compliance with the requirements of the radio frequency public exposure guidelines of the ICNIRP, as expressed in the EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.

SITE APPRAISAL

The application site forms a small area of grass verge along the northern side of Dodington Place. It is located approximately half way between the junction of Dodington Place with Merthyr Road and the bridge under the A470. It is bounded by the footway along Dodington Place to the front and the A470 embankment to the rear which is lined with mature trees. A band of mature trees are also located along the opposite side of the street, beyond which are allotments and a children's play area. The surrounding area is predominantly residential in nature however Dodington Place forms a link between The Common and Trallwn areas of the town (leading under the A470) and is therefore isolated from the main residential streets of each area. As such the nearest existing residential dwellings are sited approximately 90m away within Merthyr Road to the east. It is noted however that two new dwellings are currently under construction on a parcel of land to the north-east of the application site, approximately 50m away.

PLANNING HISTORY

No previous planning applications have been submitted at the site.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. No representations or objections have been received.

CONSULTATION

Transportation Section – no objection.

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

Countryside, Landscape and Ecology – no objection.

Welsh Government Transport Division – no comments received.

POLICY CONTEXT

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

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

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

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

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

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

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

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

Planning Policy Wales Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services) 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 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 19: Telecommunications;
PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

This application seeks full planning permission for the installation of a telecommunications monopole mast and associated ground based equipment cabinets at Dodington Place, Pontypridd.

Whilst it is acknowledged the application site is located within a residential area where this type of development may not always be appropriate, Dodington Place forms a link road between two areas of the town, The Common and Trallwn, under the A470 trunk road. As such there are no residential properties in the immediate vicinity of the site and the site and it is not readily visible from the nearest properties. The application site is therefore considered an appropriate location for this type of development.

Additionally, the amount and scale of the proposed mast and associated cabinets are confined to what is operationally required to implement the latest 4G telecommunications network in the area. Further, it is considered the proposed equipment, through the use of a monopole design rather than a lattice mast will ensure the most appropriate form of apparatus for this residential area would be installed and that the apparatus has been designed in manner that will ensure it

takes up the minimum amount of space possible, having the least possible impact upon the surrounding street scene.

It is also noted that the installation would improve telecommunications provisions within the surrounding locality in line with national planning policy and would be utilised by two major providers to reduce the number of masts required in the area.

Subsequently the proposed development is considered acceptable, in principle, subject to an assessment of the criteria identified below.

Visual Impact

Given the nature of the proposed development, a 17.5m high monopole mast and associated equipment cabinets, the resulting structures will inevitably form visible and prominent features in the immediate locality. However, the structures would be sited adjacent to a band of mature trees along the A470 embankment, many of which are estimated to be of at least a comparable height to that of the mast, which will help to reduce its impact. Additionally, the proposed monopole mast comprises a singular structure which is uniform in design so as to blend in with the adjacent street lighting columns which it would be sited between. Further, the general design and appearance of the additions are considered acceptable and typical of the design of more modern telecommunications masts that are commonly found throughout the Borough. It is therefore considered the proposed development would not result in overly obtrusive or noticeable features being introduced in to the street scene.

It is also noted that a band of mature trees are located along the opposite side of the street which will ensure the structures are not readily visible from the adjacent allotments, play area or residential properties along Merthyr Road beyond. As such it is not considered the proposal will have any undue impact upon the visual amenity of the nearest neighbours.

The siting and appearance of the proposed works are therefore considered acceptable and raise no adverse visual amenity concerns.

Impact on residential amenity/public health

The application site is located on a link road between the main settlements of The Common and Trallwn having no immediate neighbours. The nearest existing residential properties are located along Merthyr Road, approximately 90m away, however it is noted that two dwellings are currently under construction on a parcel of land to the north-east of the application site which is located approximately 50m away. Given the nature of the proposed development and the separation distances between the site and the nearest dwellings, it is not considered that the introduction of street lighting column type structure in this location would impact upon the amenity or privacy standards currently enjoyed by local residents.

It is acknowledged however that there are a number of concerns attached to these types of development in respect of public health and the emissions given off by such apparatus. Therefore, as with all telecommunications equipment applications, the applicant has certified that the proposed apparatus complies with the requirements of the radio frequency public exposure guidelines of the ICNIRP covering exposure

to RF radiation, which set levels of exposure at about 5 times less than those established by the National Radiation Protection Board (NRPB). These are the guidelines which have been incorporated into a European Council recommendation in 1999. Further, both the UK and Welsh Government have indicated that they accept the precautionary approach advised by the Independent Expert Group on Mobile Phones (IEGMP) that requires emissions from mobile phone base stations to meet the ICNIRP guidelines.

In light of the supporting information submitted with the application, it is not considered that the proposed apparatus would have an undue impact upon the health and safety of surrounding residents. It is also noted that following the statutory consultation process, the Council's Public Health and Protection Section have no objection to the scheme and no representations have been received from the occupiers of neighbouring properties.

In light of the above, the application is considered acceptable in this regard.

Highway safety

No objections have been received from the Council's Transportation Section following consultation. It was commented that the erection of the proposed mast and associated cabinets would have no adverse impact upon pedestrian or highway safety in the vicinity of the site.

It is also noted that Welsh Government's Transport Division were consulted as the application site lies adjacent to the A470 trunk road, however, no comments have been received.

Consequently the scheme raises no highway safety concerns.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however suggest a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary in this instance and an appropriate note highlighting them would be sufficient instead.

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

Whilst it is acknowledged the new equipment would inevitably form visible features in the immediate locality, the general design and appearance of the additions are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough.

It is also noted that the development would comply with the relevant requirements of the ICNIRP published guidelines as expressed in the EU Council recommendation of 1999 which cover the exposure of the general public to electromagnetic fields. As such it is not considered there would be any undue impact upon the amenity or health and safety of local residents or users of the adjacent allotments/play area.

In light of the above, the application is considered to comply with the relevant policies of the Local Development Plan and is acceptable, subject to the conditions detailed below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. 100, 200 and 301 and documents received by the Local Planning Authority on 12/06/17, 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.

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APPLICATION NO: 17/0663/10 (GH)
APPLICANT: Mr S Jones
DEVELOPMENT: Proposed conversion from public house to dwelling.
LOCATION: YE OLDE NEWBRIDGE ARMS, 8 FOUNDRY PLACE,
PONTYPRIDD, CF37 4SB
DATE REGISTERED: 23/06/2017
ELECTORAL DIVISION: Trallwn

RECOMMENDATION: Approve

REASONS FOR RECOMMENDATION:

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

REASON APPLICATION REPORTED TO COMMITTEE

Three letters of objection have been received. Therefore, since the recommendation is one of approval, the Council's Scheme of Delegation requires the application to be determined by members.

APPLICATION DETAILS

Full planning consent is sought to convert the Ye Olde Newbridge Arms, 8 Foundry Place, Pontypridd, to a single dwelling.

It is proposed that the internal accommodation be reconfigured to provide three reception rooms, a kitchen, utility and shower rooms to the ground floor, with four bedrooms and two bathrooms, one en-suite, to the first floor.

Externally this would involve a few alterations, the most noticeable being the removal of a single storey lean-to store on the southern side elevation, and two new ground floor windows, with five others to be blocked up.

Otherwise the majority of the elevations, including the pub signage incorporated within the front elevation, would be retained to their current extent, and the beer garden would be used as amenity space, with the gated entrance to remain.

SITE APPRAISAL

The application property is a two-storey public house located within the area of Pontypridd known as Trallwn, and in close proximity to the A470 trunk road.

With elevations of blue render and white painted fenestration, the building is prominent within Foundry Place and is immediately adjacent to the highway, whilst an enclosed area to the rear and southern side is currently used as a beer garden.

Although the pub is two-storey and benefits from a cellar, there are three small decorative dormer windows within the front roof place, with decorative gable detail, and some other details of architectural interest, such as the window heads, front door fanlight and plinth, have been retained.

All of the surrounding properties are residential and are located immediately to the north, 5.9m to the north-west, 10.3m to the south-west and around 22m to the north-east.

PLANNING HISTORY

The most recent applications associated with this site are:

11/5365/32 Change of use of premises.

RNO
06/06/11

PUBLICITY

The application has been advertised by direct notification to seven neighbouring properties and notices were erected on site.

Three letters of objection, two of an identical format, were received raising concerns that the pub is the oldest in Pontypridd and that the development would cause the loss of a heritage asset and social hub. It was also suggested that the application is motivated by personal profit. These issues are considered within the report further below.

CONSULTATION

Wales and West Utilities - note the proximity of underground services to the application site, with a list of general conditions and plan appended.

Highways - no objections subject to an informative note in respect of street numbering and naming.

Public Health and Protection - no objections, but conditions in respect of noise, dust, waste, demolition, hours of operation and lighting are recommended. However, given that the external works required by the development would be minimal, it is considered that such conditions would not be necessary.

Land drainage - The applicant has not proposed to modify the external hard standing area so there are no further comments in relation to flood risk management.

No other consultation responses were received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Pontypridd

Policy AW2 - identifies locations considered as sustainable locations.

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

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

Policy AW10 - supports developments which do not cause harm to public health or amenity.

Policy SSA13 - supports housing development 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 Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9 (Housing), set out the Welsh

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The building is located within the settlement boundary for Pontypridd, but is not however located within a designated retail centre. Therefore the considerations of Policy AW11, where there might otherwise be a presumption to retain retail outlets and community facilities, are not a factor.

Consequently justification of the proposal, by way of marketing for a prescribed period, would not be required. However, the applicant has advised that within the last five years trade has fallen by around 66% to the point where the business is now no longer viable. This is reflective of national trends where number of public houses in the UK as a whole has been continuously falling from its peak of approximately 99,000 in 1905 to 50,800 by the end of 2015 - indeed on-trade beer sales fell by 54% over the ten years to 2013.

So whilst the loss of a community pub would be regrettable, a conversion to residential use would not conflict with the surrounding land uses, which are mostly of the same type. Furthermore the site is located reasonably close to local facilities and public transport links, including a number of other public houses within a walkable distance, and would fulfil a number of the criteria of Policy AW2 used to determine a sustainable location.

In addition, previous pre-application advice (11/5365/32) was sought by the same applicant for a change of use to residential. The applicant was advised that this would be acceptable in principle, but that the frontage should be retained as a matter of historical interest.

Therefore, and noting that in this instance that the building layout lends itself to conversion without the need for substantial external alterations, it is considered the principle of a residential use of this building would be acceptable subject to the following considerations.

Impact on the character and appearance of the area

There are few changes proposed to the building externally and none of any significance or to the principal elevation.

Therefore, the appearance of the building within the street scene would mostly appear unchanged, albeit that some of the minor paraphernalia and signage around the entrance could be removed. In respect of the objector's comments regarding the loss of a heritage asset, the retention of the frontage addresses that concern.

Furthermore it is recognised that the interior layout of the building would be altered and that any internal features may also be lost, although it is also understood that the premises had undergone significant refurbishment in previous years.

Nonetheless the building is not subject to any historical designation or control, and any further change to the interior of the premises could be undertaken without consent. As such, it is considered that the proposed change of use would not cause any detriment to the character or appearance of the area.

Impact on residential amenity and privacy

The property is located in a mainly residential area, although it has been operating as a public house for a considerable period. Consequently the historic and permitted use would have resulted in some noise and disturbance to local residents, particularly so during the summer months when the beer garden, adjacent to other properties, would have been in use.

The proposed use of the building for a single dwelling would be much less intensive than the permitted use, although the building is of a different style and character to surrounding dwellings, and would therefore represent an improvement and reduction of intrusion to amenity.

Lastly, with regard to the impact on the privacy of other residents, the external changes to the first floor accommodation would not increase or exacerbate any existing opportunities for overlooking.

As a result it is considered that the development would not have a significant detrimental impact on the amenity of the occupiers of the proposed dwellings and is acceptable in these terms.

Highways and Access

Highways officers have noted that with an existing use as a public house the Ye Olde Newbridge Arms has a parking requirement of approximately twenty-two off-street parking spaces, based on the Council's adopted SPG requirement of 1 space per 5m² of public area, 1 space per 3 members of staff, and 1 commercial vehicle space. There are currently no off-street parking spaces associated with the building.

The proposal is to convert the public house into a single dwelling with four bedrooms. In accordance with the Council's adopted SPG: Access, Circulation and

Parking Requirements (March 2011), a four bedroom dwelling has a parking requirement of three off-street parking spaces, although there are no off-street parking spaces proposed as part of the development.

However, considering that the proposed use has a significantly lower parking requirement than the existing and is located in a sustainable location within walking distance of the town centre and public transport links, the shortfall in off-street parking is considered acceptable. In addition, the primary means of access to the proposed dwelling is via the existing entrance to the public house, which is also considered acceptable.

Other issues

In respect of the objection letter, the objector has claimed that the business could be sold as an operating business. Whilst this may be the case, the matter of any personal profit to the owner, by virtue of a change of use, is not a material planning concern.

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/m² for residential development, however as the proposed development involves the change of use of the existing building the amount due in this case is £0.

Conclusion

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

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved drawing number hdw/ph/sj.002 and documents received by the Local Planning Authority on 23rd June 2017, 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

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APPLICATION NO: 17/0667/31 (BJW)
APPLICANT: CTIL
DEVELOPMENT: Installation of a 12.5m mast with 3No antennas and 2 300mm dishes and 2 equipment cabinets 1No meter cabinet within 2.1m stock proof fenced enclosure plus ancillary development.
LOCATION: LAND AT DINAS ISAF FARM OFF PEN DARREN, EDMONDSTOWN CF39 9AX
DATE REGISTERED: 13/06/2017
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: Prior Approval Required and Granted.

REASONS FOR RECOMMENDATION:

The proposed mast and base apparatus would be of a modest scale and an acceptable design and the location would not have an adverse impact on pedestrian movements within the area.

The application is therefore considered to be acceptable in respect of its siting and appearance within the terms of the prior approval procedure.

REASON APPLICATION REPORTED TO COMMITTEE

There have been more than 3 letters of objection to the application received.

APPLICATION DETAILS

CTIL (Cornerstone Telecommunications Infrastructure Limited), a joint venture company owned by Vodaphone Limited and Telefonica UK Limited have made an application for a determination under 'the prior approval procedure' with regard to a proposed mast and a total of three associated cabinets on land at Dinas Isaf Farm off Pen Darren, Edmondstown.

The supporting information states that the proposal would allow both organisations to:

- pool their basic network infrastructure, while running two, independent, nationwide networks;
- maximise opportunities to consolidate the number of base stations; and
- significantly reduce the environmental impact of network development.

The proposed telecommunications base station will allow the operator to improve the delivery of service to its customers, delivering 2G, 3G and 4G services to a much higher proportion of the population.

The site is identified as a critical network site for coverage for Telefonica UK. The site is designed as a "Small Configuration", which means that the following technologies will be deployed – GSM 900 (2G), UMTS 900 (3G) and LTE800 (4G) and is essential to the successful rollout of 4G nationally.

The site will also be capable of accommodating new, more advanced technologies for this cell area so that customers will be able to continue to use their devices whenever and wherever they are able to access services such as instant messaging, emailing, video calls and downstreaming of data that the latest 4G technologies provide.

It is likely that once built, the site will be visited infrequently for maintenance purposes only. Access to the site will be on foot by which the applicant would gain access to the equipment cabinets. In the event of the antennas within the mast needing to be maintained this will be achieved by siting a cherry picker with a hydraulic platform alongside the base station.

Specifically the physical works at the site works would involve:

- 12.5m high lattice mast with 3 no. antennas attached to the headframe and 2 No. 300mm diameter dishes
- 2 No. ground based equipment cabinets (770mm x 750mm x 1725mm and 600mm x 600mm x 1415mm) coloured grey
- 1 No. ground based meter cabinet (655mm x 255mm x 1015mm) coloured grey. All cabinets would be constructed from glass-reinforced plastic
- All of the above installations would be contained within a 2.1m high palisade fenced compound measuring 5m x 6.4m

The application for prior approval of siting and design is also accompanied by the following additional documents:

- Relevant plans and forms;
- Site specific supplementary information;
- General background information for telecommunications development;
- Health and mobile phones base stations document;
- ICNRP (International Commission on Non-Ionizing Radiation Protection) declaration and clarification statement; and
- A copy of pre-application consultation letters with the following parties:

Chief Planning Officer Rhondda Cynon Taf County Borough Council

Mr. Chris Bryant MP

Mr. Andrew RT Davies AM

Mr. David Melding AM

Mr. Gareth Bennett AM

Ms. Leanne Wood AM

Mr. Neil McAvoy AM

Cllr. Gareth Caple

Cllr. Margaret Tegg

Chair of Governors – Cymmer Junior School

Head Teacher – Cymmer Junior School

Chair of Governors – Rhiwgarn Infants School
Head Teacher – Rhiwgarn Infants School
Chair of Governors – Ysgol Gyfun Cymmer Rhondda
Head Teacher – Ysgol Gyfun Cymmer Rhondda

SITE APPRAISAL

The site is an area of gently sloping plateau located to the west of existing residential properties in Pen Darren and to the north of a previous quarry set above the main highway of Edmondstown Road between the villages of Trebanog and Edmondstown.

The site is rural in nature and appearance and the land rises steeply from south to north to the rear of the proposed area. The site is accessed by a rough vehicular/pedestrian/farm track that leads from Pen Darren in the west, broadly circles around the proposed site and also carries on to the north.

There is a Public Right of Way (PROW) located to the north of the site (AIG/23/1) however this would be unaffected by the proposal.

PLANNING HISTORY

None relevant.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Six responses have been received on behalf of residents in 14 and 16 Pen Darren, Trebanog and 1 and 2 Dan y Graig Cottages, Trebanog objecting to the application. Additionally, two petitions signed by a total of 606 signatories have been received, also objecting to the application. The main points of the objections are detailed below:

1. Health concerns regarding microwaves, microwave radiation and the links that these masts have to cancer clusters and other health issues.
2. Why was this site chosen when there are other areas within Dinas Isaf Farm which are nowhere near residential areas and are easily accessible.
3. The site is visible and would be unsightly from the approach to the village both in and out of the area.
4. Although there is no law around distances, safe guidance and information available to the government says that masts should not be erected within 400-500m of housing and public places.
5. Heavy traffic and machinery during the construction phase of the development.
6. There are actually four schools within a one mile radius of the site, not just the three mentioned. I am aware that previous concern around masts and schools have been raised with the government and guidance given that masts should not be erected within one mile of any school due to the impacts that the microwaves and radiation could have.
7. The site is on a cliff that overlooks the main road. The area has a significant history of mining activity and as such is subject to subsidence due to the

underlying mining channels. Further disruption could therefore cause further subsidence and complication for the houses in the nearby area. Also the safety of the cliff with the imposing of heavy machinery has to be recognised as a future risk to houses and the public.

8. Health concerns regarding the respondent's dialysis treatment and possible future eligibility for a kidney transplant.
9. How does the imposition of a mast accord with the Human Rights Act?
10. The installation will obscure the only local landmark the village has, known locally as Lincoln's Rock.
11. Concerns regarding the impact on residents in the locality with pacemakers or receiving dialysis at home.
12. Depreciation of property value.
13. Impact of radiation on home grown garden produce and domestically kept chicken rendering the produce and eggs unfit for human consumption.

The petitions received by the Council objecting to the application have been signed by a total of 606 signatories. The reasons for objection stated within the petition that are not covered by the above representations are as follows:

1. The site is only 40m from housing.
2. Health issues, especially non-thermal waves, which are not covered by the ICNRP guidelines. Electrical Hyper Sensitivity (EHS) has been reported to cause various health problems including –headaches, nausea, nose bleeds, dizziness, skin irritation, rashes, sleep disorders, hearing problems, high blood pressure, fatigue, irritability, depression, thyroid problems, motor neuron disease, increased incidence of epilepsy and cancer clusters. Also reported feelings of constant vibrations given off by the mast, after 6pm when traffic to the mast increases.
3. We feel that we are being asked to take risks with our health without our permission. Not enough research has been done to guarantee the safety in close proximity to these masts.
4. Other sites have been turned down due to the proximity of houses.
5. The application and uncertainty around health issues has had a detrimental effect on the mental health and well-being of vulnerable and worried people living in the proximity of the proposed mast.
6. The area is used by local children to play due to a lack of play facilities in the area.
7. The open space is used by rock climbing groups and ramblers.
8. The mast would be highly visible across the whole village and would be in front of a local landmark.
9. There is a public right of way that crosses under the proposed site.
10. Concerns about the site being upgraded at a later date after the apparatus is installed.
11. Disruption by work traffic during construction.
12. Is the land stable enough to support this mast as it was a former quarry?
13. Impact on wildlife in the area including birds, birds of prey and bats.

CONSULTATION

Transportation Section – no highway objection has been raised.

Public Health and Protection Division – no objection. A condition to restrict the hours of operation during the construction activities is suggested.

Countryside, Landscape and Ecology – no objection. Ecological mitigation would not be required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The proposed development is outside the defined settlement boundary of Trebanog and is within a Special Landscape Area Policy NSA25.1 (Mynydd y Cymmer) refers.

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

Policy AW5 - lists amenity and accessibility criteria that will be supported in new development proposals, including; the scale and form of the development would have no unacceptable effect on the character and appearance of the site and surrounding area, there should be no significant impact on the amenities of neighbouring occupiers and the development should be compatible with other uses in the locality.

Policy AW6 - lists design and place making criteria that will be supported in new development proposals.

Policy NSA25.1 - defines the site as within a Special Landscape Area. Developments within these areas will be required to conform to the highest possible design standards.

National Guidance

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

Planning Policy Wales (Edition 9, November 2016) - Chapter 12 - Infrastructure and Services

12.13.1 - the installation of many telecommunications systems is covered by permitted development rights, which may be subject to the local planning authority's prior approval of details of siting and appearance.

12.13.8 - health considerations can be material considerations in determining applications for planning permission and prior approval as, in principle, can public concerns in relation to such effects. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker to determine what weight to attach to such considerations in any particular case.

12.13.9 – with regard to the health implications of proposed development, it is Welsh Government's view that, if the development meets the International Commission on Non-Ionizing Radiation Protection (ICNRP) guidelines as expressed by the EU Council Recommendation of 12 July 1999 on the limitation of the general public to electromagnetic fields (as recommended by the report to the Independent Group on Mobile Phones (The Stewart Report) on a precautionary basis), it should not be

necessary for a local planning authority on processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. All new base stations are expected to meet ICNRP guidelines.

12.13.10 – the Stewart Report suggested a number of specific precautionary actions that have been accepted by the Welsh Government. The report does not provide any basis for precautionary actions beyond those already proposed. In the Welsh Government's view, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

REASONS FOR REACHING THE RECOMMENDATION

A number of forms of telecommunications development which are permitted under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are subject to a 56 day prior approval procedure under paragraph A.2(4).

This procedure applies to the installation of electronic apparatus including ground-based cabinets and is therefore applicable in this case. The applicant by submitting this application (which is not a planning application) is seeking a determination from the Authority as to whether prior approval will be required to the siting and appearance and whether such approval is granted or refused.

Factors to be considered concerning the appearance of the apparatus include materials, colour and design. Features of design include dimensions, overall shape and whether construction is solid or forms an open framework.

Principle of the proposed development

As identified above some forms of telecommunication development, are permitted development subject to a 56-day prior approval procedure. This includes the construction, installation, alteration or replacement of a mast, antennae and other housing.

Consequently, the revised Annex 1 to TAN 19 (November 2014), which identifies the application procedure for this type of prior notice application, notes that the matters for consideration are limited to whether the appearance of the mast and apparatus are suitable to their setting; and whether the siting of the development, in the context of the surrounding development, is appropriate.

In this regard the amount and scale of the proposed mast and associated cabinets are confined to what is operationally required to implement the latest telecommunications network in the area. It is considered the proposed equipment, through the use of a lattice design rather than a solid mast, is visually the most appropriate form of apparatus that could be installed. Furthermore, the apparatus has been designed in manner that will ensure it blends into the hillside against which it would be viewed and would therefore result in the least possible impact on the surrounding locality.

Additionally, the installation would improve telecommunications provisions within the surrounding locality in line with planning policy.

Consequently, such a proposal is considered to be acceptable in principle.

Visual amenity

With regard to the effect on the visual amenity of the area, the proposed apparatus and new cabinets are considered to be of a minor nature, acceptable and in respect of both their scale and design are not considered to have an adverse impact on the character and appearance of the area.

As indicated above, due to the location of the proposed mast, below the ridgeline and against the backdrop of the hillside to the rear, it is considered that the use of a lattice structure would have less impact than a solid structure. It is considered that the lattice structure would be viewed against the existing hillside and would be less visually obtrusive and therefore acceptable in terms of the Special Landscape Area.

The mast is located between 40-50m from the closest residential properties and would also be viewed against the backdrop of the existing hillside. While the mast would be more apparent to these properties it is considered that its siting and appearance would not be so detrimental as to warrant refusal of prior approval.

Impact on the Special Landscape Area (SLA)

The site is within a Special Landscape Area (SLA) where the highest standards of design should be sought. It is considered that in proposing a lattice mast that the development would be seen against the backdrop of the mountainside and would therefore have less impact on the character and appearance of the SLA than a solid structure.

It is considered that the scale and design of the proposal would be commensurate with its purpose and that the siting and appearance in lattice form, against the mountainside would have the minimum impact in visual terms.

Highway safety

The Transportation Section has raised no objection to the application. This is due to the relatively small scale of the proposed development and because the public highway would be unaffected.

While it is acknowledged that the highway to the site would be used by some heavy traffic during the construction period, it is considered that this could be accommodated by the existing highway infrastructure and would be for a limited period. In terms of ongoing maintenance, the site would be visited infrequently for maintenance purposes only. Access to the site would be on foot by which the applicant would gain access to the equipment cabinets. In the event of the antennas within the mast needing to be maintained this would be achieved by siting a cherry picker with a hydraulic platform alongside the base station.

Consequently, it is considered that the proposal is acceptable in this respect.

Other issues

This application for prior approval has resulted in several letters of objection and two petitions with a total of 606 signatures in objection to the proposal for a variety of different reasons. However, as the application is one for prior approval of the siting and appearance and not a planning application, the Local Authority are only able to consider these issues.

In terms of the issues that have been raised by respondents the following comments are however offered:

The application is accompanied by an International Commission on Non-Ionizing Radiation Protection (ICNIRP) Certificate which verifies that the proposed apparatus is safe in respect emissions and human health. Welsh Government guidance in this regard is that if the development meets the ICNRP guidelines as expressed by the EU Council Recommendation of 12 July 1999 on the limitation of the general public to electromagnetic fields (as recommended by the report to the Independent Group on Mobile Phones (The Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority on processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. Therefore, while these concerns are acknowledged, they do not form a compelling material consideration for the refusal of prior approval for siting and appearance.

There is also no minimum distance as prescribed by the guidelines as to where a mast can be sited providing that it has its ICNIRP certification and is visually acceptable as required by the prior approval procedure. Additionally, the schools within the prescribed distance from the site (half a mile) have all been consulted as part of the pre-application process for the application.

The stability of the ground is an issue for the developer in siting the mast. The site has not been an active quarry for a considerable period of time and it is considered extremely unlikely that the works would cause instability issues in the immediate locality. This could however, be dealt with by an informative note to the developer to ensure that this issue has been adequately addressed.

The Courts have ruled, via the Bardsey case 2005, that the permitted development rights of telecoms operators do comply with the Human Rights Act. The issue regarding other sites is acknowledged however, each case is dealt with on its individual merits.

The footprint of the proposed development is relatively small and would still allow ample opportunity for use of the surrounding area by children, ramblers and rock climbers.

As detailed earlier within the report, works traffic would be accommodated using the existing highway infrastructure and there has been no highway objection in this regard. Maintenance would also be carried out on an infrequent basis on foot or occasionally by smaller vehicles equipped with a cherry picker.

Any additional upgrading works would be subject to a further application for prior approval. This would be subject to the same procedures and consultation as the current application.

The application has been examined by the Council’s Ecologist who has no adverse comments to make in terms of the effect of the mast and compound on wildlife within the surrounding area.

Conclusion

As detailed previously this application is one of prior approval for a telecoms installation that under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are subject to a 56 day prior approval procedure. The application is for whether prior approval is required, and if so if prior approval is approved or refused.

Consequently, the Council can make three determinations in this regard. That prior approval is not required – in this case the works can proceed in accordance with the submitted details. That prior approval is required and that such approval is granted – again, in this case the works can proceed in accordance with the submitted details. Finally, that prior approval is required and that such consent is not granted – in this case the works cannot proceed as siting and/or appearance of the proposal is considered to be unacceptable in some way.

It is acknowledged that there have been a large number of responses objecting to the application however many of the reasons for objection have been on health grounds. The certification provided with the prior approval application indicates that the safety requirements have been met and is in accordance with the current planning advice from Welsh Government. It is therefore considered that there would not be any grounds for the application to be considered unacceptable in this regard.

It is considered that the proposal by virtue of its scale, design and siting is considered to be acceptable. It is recommended that the determination of the Planning Authority be that the Prior Approval of this Authority is required for the siting and appearance of the development permitted by Part 24 of Schedule 2 of the GDPO and that such approval is given.

Should Members however resolve to refuse prior approval, they are advised that the reasons for such a refusal must be solely in relation to the siting and design of the proposed structure.

Additionally, Members are advised that should the application be refused and the matter proceed to an appeal, that the applicant would be able to make an award for costs against the Council should it be demonstrated that the reason for refusal could not be substantiated.

RECOMMENDATION:

- a) **Prior approval is required and**
- b) **Such approval is granted.**

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

3 AUGUST 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
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See Relevant Application File