

dismantled), covered coal loading facilities and the existing railhead adjacent to the mineral rail freight line. This area also includes a number of water bodies known as Hirwaun Ponds.

The site occupies a generally sloping area from 340m AOD in the south to 210m AOD in the north. The natural drainage of the site has been altered through the implementation of the Surface Coal Mine.

Major services/apparatus belonging to statutory undertakers are located within the site. A high pressure natural gas main runs along the western boundary of the site, overhead electricity lines run close to the southern boundary and electricity pylons cross through the northern part of the site.

There are three Sites of Importance for Nature Conservation within the site known as Hirwaun Ponds (SINC's 9 and 12) and Hirwaun Common (SINC 10). Adjacent to the site, to the north of the mineral railway line lies the Blaen Cynon Special Area of Conservation (SAC) and the Cors Bryn –Y–Gaer SSSI. The Brecon Beacons National Park is located approximately 1.5km north of the site boundary. The site is visible as part of an overall panoramic view from locations within the National Park.

Vehicular access to the site is gained from the Rhigos Road at a point 900m west of the A465 roundabout and 200m east of the Hirwaun Industrial Estate Roundabout.

The nearest residential properties to the site are located adjacent to the access on Rhigos Road i.e. properties known as Maesglas, Cartref and Willows Farm. There are also residential properties within Hirwaun such as those within Redhill Close adjacent to the junction of the A465 and the A4061, Tower Road north of the A4059, Limeslade Close and Caswell Close, properties south of Johnson Park (Mountain View), properties further east off Hirwaun Road known as Waungron, Lyndhurst, Dunromin, Fairview Bungalow and Mountain View Bungalow, and properties within Mount Pleasant.

PLANNING HISTORY

13/0466	Tower Surface Mine, Rhigos Road, Hirwaun	Variation of conditions 19, 20, 21 and 22 of planning approval 10/0292 to extend working hours on Saturdays to 16.00 hours.	Allowed on appeal 03/06/2014
10/0292	Tower Colliery, Rhigos Road, Hirwaun, Aberdare	Land remediation and reclamation of old tips, derelict land and buildings; surface coal extraction and associated ancillary development including improvements to the access onto the A4061; recontouring and	Granted 16/12/2011

landscaping of the site to enable future re-development; restoration and after care for agricultural purposes, nature conservation with public access and provision of a visitor/education centre.

Environmental Statement Addendum received 17/01/11, additional information received 05/05/11 regarding ecology and landscape and visual assessment, details of restoration, soils handling, drainage matters and revised planning drawings to reflect amendments and additional information received 24/08/11 incorporating a Restoration Strategy Plan which was amended on 27/10/11, 05/12/11, 12/12/11 and 14/12/11.

PUBLICITY

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

A total of 85 letters have been received in response from members of the public, the grounds of objection are as follows:

- The residents of Hirwaun and Rhigos were re-assured at public meeting before the commencement of coal extraction that the land would be restored to its original contours, and therefore expect the Council and Tower Regeneration to honour that commitment.
- LDP Policy NSA8 paragraph 6.39 states *'the Council's vision for the Strategic Site is the enhancement of Hirwaun as a key settlement in Rhondda Cynon Taf, through residential, employment and community development, and restoration and enhancement of the landscape and habitats.*' This amendment will not enhance the landscape and habitat of the area, and will have a detrimental visual impact, particularly from the Brecon Beacons National Park.
- The Council should not have earmarked the area for light industrial development under NSA8 when there is a massive area already available on the Rhigos Industrial Estate which should be developed instead.
- Development would have a disastrous affect on wildlife, which should be given a chance to re-establish.

- It has not been demonstrated how the development plateau would blend in with the proposals to dual the A465 Heads of the Valley Road.
- Detrimental impact on tourism to this area.

CONSULTATION

Natural Resources Wales – response will be reported orally at the meeting.

Brecon Beacons NPA – objection, potential adverse impact upon the special qualities of the National Park.

Land Reclamation & Engineering – from the drainage strategy provided the principal of the post mining drainage arrangements are suitable in principal. I would request that to support the discharge rates the attenuation calculations are provided for review to ensure the pre and post flow rates do not increase the risk of surface water flooding off site. I would also remind the applicant at this time that any works to alter the ordinary watercourse will require an Ordinary watercourse consent prior to the works taking place which will sit outside of the planning process.

Public Health & Protection – no objection raised to the revised restoration scheme.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The Proposal and Constraints Maps show that the site lies within the area of primary and secondary coal resources, and that within the western part of the site there is a hazardous installation consultation zone for the high pressure gas main, Sites of Importance for Nature Conservation SINC's AW8 - 9, 10 and 12 lie within the site. Adjacent, and to the north of the mineral railway line lies the Blaen Cynon Special Area of Conservation SAC. The site also lies within the allocated Northern Strategic Area, NSA8, where the concept plan shows the northern part of the site for employment and residential uses and the southern part for open space. The northeast of the site is affected by the Welsh Government scheme for dualling the A465 Heads of the Valleys Trunk Road.

Policy CS10.6 – seeks to ensure that impacts upon residential areas and sensitive land uses from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit.

Policy AW5 – supports development proposals where amenity and accessibility criteria are met.

Policy AW6 - supports development proposals where design and placemaking criteria are met.

Policy AW10 states that development proposals will not be permitted where they would cause or result in an unacceptable risk of harm to health and/or local amenity because of air, light, water and noise pollution, contamination, land instability and flooding or any other identified risk to public health or safety.

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 Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), 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.

Para 13.15 of Planning Policy Wales advises that noise can be a material planning consideration. Local Planning Authorities should make a careful assessment of likely noise levels and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer. The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.

Minerals Planning Policy

Para 10 sets out the key principles of sustainable mineral development including limiting the environmental impact of mineral extraction.

Para 34 includes noise (in terms of limits, type and locations) that must be addressed to ensure minerals proposals do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.

Minerals Planning Policy (Wales) Minerals Technical Advice Note (Wales) 2: Coal

Para 167 provides Guidance on best practice on noise is in Appendix M.

Para 168 to 177 provides advise in relation to noise impacts, noise surveys and planning conditions for noise.

Minerals Planning Guidance: The Control of Noise at Surface Mineral Workings (MPG 11)

Whilst MTAN 2 supersedes MPG 11 for the determination of noise limits, other elements of MPG11 remain applicable to the assessment of mineral extraction noise in Wales.

Other relevant policy guidance consulted

PPW Technical Advice Note TAN 11 Noise provides guidance on how the planning system can be used to minimise the adverse impact of noise and outlines the main considerations to take into account when determining planning applications.

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 proposal the subject of this application essentially seeks approval for an alternative restoration strategy following the cessation of opencast coal extraction at the Tower Surface Mine. As noted earlier in this report the original restoration strategy approved prior in 2012 prior to the commencement of coaling envisages the site being returned to its pre-mining profiles blending with the topography of the hillside location and restoration of the Nant-y-Bwlch watercourse to its original pre-mining alignment. It is evident from the representations submitted by members of the public that there is an overwhelming desire for the originally approved restoration profiles to be delivered.

In terms of broad principles this application seeks to revise the approved restoration scheme in order to incorporate the creation of a land form or plateau capable of providing opportunities for future development in accordance with Policy NSA8 of the LDP. This policy allocates an area to the south of Hirwaun as a Strategic Site, for development of a mixture of large scale development, including residential (400 dwellings) and employment (36ha). The indicative plan identified on the LDP Proposals Map, shows that the proposed plateau area is located within the employment area of the Strategic Site. Although concern has been expressed by members of the public about the need for and consequences of such development, nevertheless, the restoration proposals are likely to facilitate opportunities for employment development in accordance with Policy NSA8. It is acknowledged that there are no submitted details of the proposed parameters of the type, scale and layout of future development on the plateau; these are not matters for consideration at this stage but the subject of future planning applications if and when detailed development proposals emerge.

Turning to the relationship of the restoration proposals to the dualling of the A465, for access purposes, there are no detailed proposals at this stage. However, the site benefits from an existing 7.3m wide access spur off the Rhigos roundabout to be retained as part of the dualling. Officers of the Council and the Welsh Government

are in on-going discussions to ensure that the detailed highway engineering proposal for the A465 dualling make, or at least retain, adequate provision for access to existing and allocated development sites along its route through Rhondda Cynon Taf. To date, none of these discussions has revealed any fundamental obstacle to the achievement of an adequate highway access to the restoration plateau from the A465 upon completion of dualling.

In terms of its landscape, visual and drainage impacts the alternative restoration strategy and surface drainage scheme, as amended, does not differ greatly from the strategy approved in 2012. It removes all of Tip 901 upon which much of the overburden mound currently sits, though retains the Nant-y-Bwlch diversion as permanent watercourse. The submitted cross sections indicate that the proposed contours of the restored land form will reflect those of the hillside prior to mining activities on the land. However, along the northern edge of the restoration area there is a significant difference where it is proposed to level-off restoration profiles to provide an area of land or plateau providing opportunities for future development in accordance with Policy NSA8. The plateau will be rather irregular in shape and comprise three parcels of land of 10, 12 and 13 hectares totalling 35 hectares and cut-in and levelled at a height no greater than 230m AOD (Above Ordnance Datum), which is comparable to surrounding grounds levels. By way of comparison the earlier submitted proposal for restoration involved formation of a plateau elevated above surrounding ground levels at a height of approximately 250m AOD, with a moderately steeply sloping batter along the northern edge facing towards Hirwaun. It will be noted that members of the public, NRW and the Brecon Beacons National Park Authority expressed concerns about this earlier submitted restoration proposal involving an elevated plateau because of its potential adverse landscape and visual impacts on the surroundings and on the setting of the National Park. The amended restoration proposal, whilst maintaining a plateau capable of providing development opportunities, significantly reduces its elevation and prominence to an extent that is considered unlikely to have unacceptable consequences in terms of its landscape and visual impacts viewed within the context of the overall restoration landform and its wider surroundings. The Nant-y-Bwlch diversion has performed adequately during the period of surface mining and has begun to develop its own ecology as a less rapidly flowing hillside watercourse than the original alignment. Its retention has not attracted adverse comment from NRW and members of the public, including the landowner.

Finally, arising from on-going assessment by and discussions with the Coal Authority it is considered that the amended restoration proposals do not have significant implications for the quantum of the restoration bond held by the Council under the terms of the Section 106 agreement entered into as part of the planning permission for surface coal extraction at the site.

Conclusion

The proposed restoration strategy does not vary, in terms of its general profile, land form and surface water drainage to the currently approved restoration strategy approved prior to the commencement of coal extraction in 2012, with two notable exceptions. Firstly, it proposes the formation of a level plateau capable of facilitating employment development opportunities on the Strategic Site in accordance Policy NSA8 of the LDP within which the application site lies. Secondly, the restoration retains the Nant-y-Bwlch diversion. Neither of these deviations from the currently approved scheme is likely to impact adversely upon the landscape, visual appearance and drainage of the site or upon the wider surroundings, including the Brecon Beacons National Park.

RECOMMENDATION: Grant

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APPLICATION NO: 17/0764/10 (MF)
APPLICANT: CTIL Cornerstone Telecommunication Infrastructure Limited
DEVELOPMENT: The installation of a radio base station consisting of a 25m lattice mast supporting 3 no. antennas, 2 no. 300mm dish, 2 no. equipment cabinets and ancillary development thereto.
LOCATION: LAND AT MILL FARM, ABERCYNON ROAD, GLYNCOCH, PONTYPRIDD, CF37 3ND
DATE REGISTERED: 02/08/2017
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and 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 Mill Farm, Glyncoch. The proposed mast and cabinets would be located centrally along the northern boundary of the field off Abercynon Road, directly to the south of the Cynon Dwr Cymru/Welsh Water Treatment Plant. The base station would comprise:

- 1 no. 25m high lattice tower mast on a concrete foundation. The mast would accommodate 3 no. antenna and 2 no. dishes.
- 2 no. ground based cabinets directly adjacent to the mast in order to house the necessary associated equipment.
- 2.4m high Palasade fencing surrounding the base station for security, including an access gate along the southern (front) boundary.

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 Glyncoch/Coedycwm/Ynysybwll/Abercynon areas. It is also detailed that seven 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 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 land within an open field between the settlements of Glyncoch and Abercynon. The wider field is triangular in shape, level throughout, and is enclosed on all sides by mature vegetation (all of which would remain following development). The field is currently overgrown in places with a dilapidate barn located at the northern corner. Access is gained via an existing field access at the south-west corner off Abercynon Road. The wider field is bounded by further countryside to the north and east, a public footpath and cycleway to the west beyond which is the Cynon DCWW treatment works, and Abercynon Road to the south. The nearest residential properties are located over 100m 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.

POLICY CONTEXT

The application site lies outside of the settlement boundary for Pontypridd and is not allocated for any specific purpose.

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

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

Policy AW8 – states that Rhondda Cynon Taf’s distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

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

Supplementary Planning Guidance

- Design and Placemaking;
- Nature Conservation;
- Access, Circulation and Parking.

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 (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 mast and associated ground based equipment cabinets at Mill Farm, Glyncoch.

Whilst it is acknowledged the application site is located outside of settlement limits, it is located relatively close to a number of settlements and has suitable access. Further, there are no residential properties in the immediate vicinity of the site and the plot 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. It is also considered the proposed equipment forms the most appropriate form of apparatus for this rural area 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 locality.

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 25m high lattice mast and associated equipment cabinets and fencing, 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 field boundary, 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 field is enclosed on all sides by further mature trees which will go some way to screening the development from sight and it is noted the proposed lattice mast comprises a singular structure which is uniform in design so as to absorb some of the visual impact.

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 area and 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 off a country lane between the settlements of Glyncoch and Abercynon. As such there are no immediate neighbouring properties, other than the adjacent sewerage works, with the nearest residential properties being located over 100m away. Therefore 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 a mast 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

76/0105	Light industrial use.	Granted conditionally 23/06/76
13129	Change of use from offices to self-contained flats.	Granted Conditionally 07/03/72
12780	Change of use from offices to self-contained flats.	Refused 07/03/72

PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. A petition of 65 signatures (from 45 households) has also been received. The objections raised are summarised as follows:

Material considerations

- Increased parking requirements in an already overcrowded area;
- Increased overlooking and noise generation having a detrimental impact on existing residential amenity.

Non material

- Concerns regarding antisocial behaviour from those who may be living in the flats.

CONSULTATION

Transportation Section - there has been no material change affecting the proposed development and as such the proposed variation of Condition 1 is acceptable subject to reimposition of the previous highway conditions.

Public Health and Protection - no objections raised, subject to a condition relating to demolition, hours of operation, noise, dust and waste.

South Wales Fire and Rescue Service - no comments received.

Countryside, Landscape and Ecology - no comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out the strategy for the northern area of the County Borough with an emphasis on sustainable growth.

Policy AW1 Identifies how the housing requirement figure will be met including through the allocations in the Local Development Plan

Policy AW5 - sets out criteria for new development

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

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

Policy NSA13 - gives criteria for the rehabilitation and conversion of large buildings.

The following Supplementary Planning Guidance documents are also applicable,-

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

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 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.

PLANNING CONSIDERATIONS

As detailed above, the application seeks consent via Section 73 of the Town and Country Planning Act 1990 to vary condition 1 (time limit to implement the consent) of planning permission 12/0468/10 which was granted on the 30th October 2012. The key considerations with regard to the application are therefore whether the proposal is acceptable in respect of planning policy; highway safety and its impacts on the residential amenity of those living closest to the site.

Principle of development

Policy NSA13 advises that the conversion of large buildings to residential uses within the settlement boundary will be acceptable providing the building is of historic or architectural importance or is prominent and makes a valuable contribution to the townscape of the settlement, and there is no economically viable alternative use for the building.

The building is an attractive and prominent part of the street scene, as a result of its relatively large scale, corner location, architecture and external materials. It is understood that the building has now been unoccupied for approximately 10 years and prior to the submission of application 12/0468/10, had been marketed for both commercial and residential use. Given the period of time for which the building has been vacant, its deteriorating physical condition and the now extensive planning history for conversion to residential use or demolition to facilitate the development of new dwellings, it is considered that the building will not be used as a public house or hotel again in the foreseeable future. It is considered that the conversion of the building to provide nine smaller units (relative to the extant consent to convert the building provide 3 dwellings - within the building - application 15/1561/10 refers) would create a viable development that would have a beneficial impact of the vitality and viability of the area, relative to the buildings continued vacancy. The application is therefore considered compliant with the policies AW5, AW6 and NSA13 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

In respect of the impacts on traffic and parking, one off-street space has been provided for each proposed flat. This level of provision is considered satisfactory given that the flats are smaller properties and the site is on a bus route and a short walk from local shops. Following consultation the Transportation Section have raised no objection to the application subject to the conditions imposed on the original application being reapplied. It is acknowledged that there is a high demand for on street parking in this area, however, it is considered that the development would not significantly increase the demand for such parking and or traffic in the locality. The application is considered compliant with the requirements of policies AW5 of the Rhondda Cynon Taf Local Development Plan.

Neighbouring amenity

With regard to neighbour amenity, it is noted that some windows will serve habitable rooms where they did not before when the building was in use as a public house/hotel, some at a distance of less than 21 metres from surrounding properties. However, it is considered that the arrangement of rooms proposed will not have a significantly greater impact on privacy than the previous use, particularly given that no additional window openings are proposed. There is the potential for residents to sit on the proposed fire escapes, however, as in the case of the application 12/0468/10, it is considered that any impact in respect of privacy can be mitigated through the provision of screening secured by way of an appropriately worded condition.

As part of the public consultation, concerns have been raised with regard to the potential antisocial behaviour generated by occupants of the flats and the impact this would have upon the residential amenity of those living closest to the site. Whilst crime, the fear of crime and potential antisocial behaviour are material considerations in the determination of a planning application, it is considered that the development has been designed to reduce opportunities for such activities without compromising on the usability of the units by legitimate occupants. Issues relating to such behaviour can be, and are more appropriately dealt with and controlled by other legislation.

Subject to the imposition of condition, the application is considered compliant with the relevant criteria of policies AW5 of the Rhondda Cynon Taf Local Development Plan

Other matters

Ecology

During the determination of the previous applications for the site, the Council's Ecologist concluded that no further bat surveys of the building were required and that the trees and shrubs to the rear of the site were shown to have low or very low potential as a bat roost.

Public Health Section Comments

Following consultation, the Council's Public Health and Protection Team have raised no objection to the application, subject to the imposition of conditions relating to demolition, hours of operation, noise, dust and waste. Whilst the comments raised are appreciated, the development is the conversion of an existing building and works would be mainly associated to the inside of the building. It is therefore considered that matters relating demolition, noise, dust and waste could be more efficiently controlled by other legislation. However, given the proximity of the site to numerous residential properties, the imposition of a condition limiting the hours of operation is considered necessary in the interests of protecting the amenity of those living closest to the site.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

As outlined above the application is considered to comply with the relevant policies of the Local Development Plan representing as it does the acceptable conversion of a currently vacant building to residential use within the settlement limits of Aberaman. The proposal is considered acceptable in all other key areas such as its impacts on the highway network and neighbouring amenity and Members are consequently recommended to approve the proposal subject to conditions.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of 30th October 2019.

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) received by the Local Planning Authority on 6th September 2012 and 10th October 2012, 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. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

4. The development shall not be brought into use until space has been laid out within the site for 9 vehicles to be parked in accordance with the approved plans. The parking spaces shall be retained for the parking of vehicles thereafter unless agreed in writing by the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

7. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the drainage works have been completed in accordance with the approved scheme.

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

8. Notwithstanding the submitted details no development shall take place until details of the replacement windows and doors and the materials proposed for blocking up the door on the corner have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed

development will be in keeping with the character of the area and existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, building operations shall not be commenced until samples of the replacement slates proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

10. No development shall take place until details of the proposed new external steps have been submitted to and approved in writing by the Local Planning Authority. The details shall include screening to ensure the privacy of surrounding neighbours. The steps shall be installed in accordance with the approved details.

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

11. No works shall commence on site until a structural appraisal of the existing retaining walls on the site and its boundary has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include any remediation works required if existing retaining walls are found to be inadequate for incorporation onto the development. All works shall be carried out in accordance with the approved details, prior to the first occupation of the development hereby approved.

Reason: In the interests of public safety and in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, and where the existing boundary treatment is to be retained and repaired. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

13. The development for which permission is hereby granted shall not be commenced until details of the surfacing materials proposed to be used on any external areas of the site have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the works have been completed in accordance with the approved details.

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

14. Prior to the commencement of development, a scheme to prevent on-street parking in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation.

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

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APPLICATION NO: 17/1097/13 (HL)
APPLICANT: I Griffiths and P Birch
DEVELOPMENT: Proposed Development of Fourteen Dwellings including access and parking.
LOCATION: V GRIFFITHS AND SON ROOFING LTD, JONES STREET, CILFYNYDD, PONTYPRIDD, CF37 4NN
DATE REGISTERED: 09/10/2017
ELECTORAL DIVISION: Cilfynydd

RECOMMENDATION: Approve, subject to conditions and a Section 106 Agreement

REASONS FOR RECOMMENDATION:

The proposed development presents an opportunity to provide new housing on a brownfield site adjoining the settlement boundary of Cilfynydd and would make a contribution to addressing the Council's housing land supply shortage. It is also considered that the proposal represents a more neighbourly form of development within an established residential area, in comparison to the existing sui generis use which could be intensified in its level of commercial activity without the need for planning permission. The proposed development is compliant with planning policy and is acceptable

with regard to all other material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been the subject of public objection and as a result is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

Outline planning permission is sought for residential development on the buildings and land currently occupied by a builders and roofing merchants (V Griffiths and Son Roofing Ltd), to the rear of Jones Street, Cilfynydd. The application is made in outline with all matters reserved for future consideration.

In accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, information regarding the position of the buildings, routes, open spaces, height, width and length of each building and points of access have been submitted along with an indicative site layout plan.

The indicative details show the development of 7 pairs of semi detached dwellings (14 dwellings in total) predominantly overlooking a central cul-de-sac highway. As part of the Design and Access Statement each dwelling is indicated as being 5m wide, 8.2m deep with a ridge height of 8.9m falling to 4.9m at eaves level. Access to the development would be gained via the existing entrance in the western boundary of the site, which adjoins with the adopted, unclassified and unnamed highway that in turn leads from the A4054 (Cilfynydd Road) to the west.

The application is accompanied by the following:

- Design and Access Statement;
- Internal Photographic Survey;
- Pre-Application Consultation report;
- Geo technical and Coal Mining Risk Assessment and
- Available industrial units summary report.

SITE APPRAISAL

The application site comprises a roughly rectangular shaped level parcel of land with an area of approximately 0.34ha. The site is positioned to the north (rear) of the residential properties in Jones Street; to the east (rear) of the residential and commercial properties adjacent to the A4054 Cilfynydd Road and to the south (rear) of the residential properties and the Scout Hall on Park Place. The land to the east (outside of the site) is a former, dismantled railway and an area of woodland. The vacant land to the north-east of the site, accessed from Park Place (which is also in

the applicant's ownership) benefits from an extant consent for the development of 4 detached residential properties (application 14/0289/10 refers). The area surrounding the site is predominantly residential with some commercial buildings interspersed.

The application site is predominantly used for open air storage in association with the building and roofer merchants. There are a small number of demountable; steel portal frame and brick construction industrial buildings, containing offices, warehousing and a carpentry workshop in the south-western corner of the site. The boundaries of the site are defined by vertical steel, palisade fencing. The ground level of some of the open air storage area appears to have been increased by approximately one metre following the installation of a gabion basket structure, adjacent to the southern boundary, and the subsequent levelling of the ground.

The area as a whole is located on a slope falling gently from east to west and south to north. As a result the site is slightly below the finished floor level of the residential properties in Jones Street and is raised relative to the properties adjacent to Cilfynydd Road and Park Place to the west and north. The area of the land to the north-east of the site which currently benefits from planning permission for the development of 4 detached dwellings is positioned approximately 2.2m below the level of the application site.

The builders and roofing merchants has been in operation for approximately 40 years and is currently open 07:30-16:00 Monday to Friday and 07:30 to 11:30 on a Saturday.

PLANNING HISTORY

There is no planning history for the site.

PUBLICITY

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

Material planning considerations

- The land has not been identified for housing on the Local Development Plan.
- The windows in the rear elevations and height of the proposed houses will create overlooking and will have a negative impact on the privacy of our gardens and home.
- Concerns regarding the number of units proposed in association with the size and scale of the proposed dwellings.

- Large properties to the rear of the properties in Jones Street will generate increased overshadowing and loss of light which in turn will have a detrimental impact on living standards and health.
- The site has been built up with cages full of broken tiles and building waste making the site a lot higher than the adjacent houses.
- Concerns regarding the noise generated from families, cars and pets using the proposed development.

- Proposal will increase traffic in the area, to the detriment of safety.
- Cars must be made to use the main entrance and not the rear lane between the site and Jones Street.

- The land is unstable and unsuitable for development as is it situated on the original cutting and embankment for the colliery incline and has only been in-filled with colliery waste.
- Following the land reclamation scheme in the mid 1970's there was a presumption against housing development on the whole site.
- There is asbestos on site.
- The application is on land totally within the reclamation scheme. The natural drainage could be adversely affected by the development.
- There have been historical drainage problems experienced on the site.
- The drains in the area are unable to cope with the existing volume of sewerage.

- There are bats in the old bakery building on site

Non Material planning considerations

- Proposal will have a detrimental impact on property values in the area

CONSULTATION

Transportation Section - no objection subject to conditions

Dwr Cymru/ Welsh Water - no objection subject to condition. Advice provided regarding the location of apparatus.

Flood Risk Management – no objection subject to conditions relating to drainage.

Public Health and Protection Section – advice provided regarding demolition, hours of operation, noise, dust and waste. Conditions recommended with regard to land contamination and site investigations

Western Power Distribution – advice provided with regard to the location of apparatus

Countryside, Landscape and Ecology - as a result of their external materials, construction, design and use, the buildings on site appear to have very low potential for use as a bat roost. As such it would be unreasonable to require a bat survey.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 emphasises sustainable development that benefits the whole plans area and focuses development within settlement boundaries.

Policy CS5 requires the provision of affordable housing.

Policy CS10 provides for the safeguarding of mineral resources.

Policy AW1 – defines the housing land supply, to be met by means that do not include land outside defined boundaries.

Policy AW2 - promotes development of non-allocated sites in sustainable locations, which are those within settlement boundaries (1), have good accessibility by a range of transport modes (3), have good access to key services and facilities (4), are not in a C2 flood risk zone (5), support the roles of settlements (6), and are well-related to utility provision (8).

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

Policy AW6 - gives design and placemaking criteria for new development

Policy AW11 - gives criteria for proposals for alternative uses of existing employment sites.

Policy AW14 - requires the protection of sandstone resources.

Policy SSA11 - sets a minimum density of 35 dph and gives criteria for lower densities.

Policy SSA12 - seeks 20% affordable housing provision.

Policy SSA13 - gives criteria for housing development within settlement boundaries. Supporting paragraph 6.160 states that development will not be permitted outside the defined 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 (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 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application seeks outline planning permission for residential development of an existing industrial/ commercial site within Cilfynydd. The site is located outside of the settlement boundary and within a sandstone resource protection area as defined by the Rhondda Cynon Taf Local Development Plan. As such, the key considerations with regard to the determination of this application are: the principle of development; impact on the character and appearance of the surrounding area; impact on the residential amenities of neighbouring properties and highway safety.

Principle of development

As the application site lies outside of the settlement boundary of Cilfynydd, as defined by the proposals maps of the Rhondda Cynon Taf Local Development Plan, the proposal is considered to be a departure from policies CS2, AW1, AW2 and SSA 13 para 6.160 of the Local Development Plan (LDP). As a result it must be determined whether there are any material considerations that justify the grant of permission.

As of the 1st April 2017, the five year housing land supply for Rhondda Cynon Taf as required by Planning Policy Wales (Edition 9) 9.2.3 (PPW) and Technical Advice Note 1 (TAN 1) was only 1.3 years. Therefore the need to increase the housing supply carries considerable weight provided that the development would otherwise comply with development plans and national planning policies. In this case, although the proposal does not comply with the LDP in relation to settlement boundaries, it is appropriate to give this little weight as the site comprises previously developed, not greenfield, land. The preference for redevelopment of previously developed land for

housing is identified at paragraph 4.91 and 9.26 of PPW. Furthermore 90% of the application site boundary adjoins with existing and permitted development to the north, west and south. Visually and functionally, the application site forms part of the built-up area of Cilfynydd. As such, it is considered that new housing on the site would be well integrated with the existing settlement pattern and it serves no purpose to protect the area as if it were part of the open countryside.

Policy AW11 requires both marketing evidence for the existing employment use, unless the site is derelict so that development would have significant regeneration benefits, and an adequate land bank of employment land to be maintained. In this case, no marketing evidence has been submitted even though (and perhaps because) the site is still occupied and provides employment for four people. However, evidence is supplied identifying that a quarter of the small units at the nearby Albion Industrial Estate are vacant and that there are a range of other builders merchants in the Pontypridd area.

Whilst the site is identified as being within a sandstone resource protection area, it is considered that the resource is already constrained by the proximity of the dwellings surrounding the site. The potential volume of material under the site is also considered insignificant relative to the availability of the material in Rhondda Cynon Taf as a whole. As a result, policies to protect the mineral resource are considered to carry little weight in this instance.

In conclusion, with regard to the principle of development, the proposal would make a contribution to the housing supply; there are vacant industrial units available in close proximity to the site and other buildings merchants within Pontypridd.

However, it must be also identified that the site is outside the settlement boundary and the application lacks a marketing assessment to justify the loss of the employment land. On balance, it is considered that the principle of residential development on the site is acceptable.

Impact on the character and appearance of the area

Although the application is in outline with all matters reserved, in accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, an indicative site layout has been submitted showing the development of seven pairs of semi-detached dwellings (14 units in total) arranged around a central cul-de-sac highway accessed from the existing adopted highway to the west of the site. The height parameters specified within the design and access statement indicate that the buildings could have a ridge height of 8.9m and as such could be three storey in design with accommodation provided in the roof space.

Policy SSA11 identifies that proposals for residential development should seek to achieve a minimum density of 35 dwellings per hectare. The indicative site layout

plan shows the site has the capacity to accommodate 14 dwellings on an area of 0.34 hectares. This equates to a density of development of 41 dwellings per hectare, being mindful of the density of development closest to the site, it is considered that such a development would make efficient use of the land in keeping with the character and appearance of the area and is compliant with policy SSA11 of the Rhondda Cynon Taf Local Development Plan.

As specified above, and as identified by the members of the public, the levels on parts of the site have been increased by approximately 1m. The area of the site the subject of such an increase is unclear at this time. It is considered that the levels of the site as existing, in association with specified maximum height of the dwellings at 8.9m, could result in a development that may appear out of keeping with the locality. As such it is recommended that a condition be placed on any grant of consent requiring the finished floor levels of all properties to be submitted to and approved in writing as part of the reserved matters submission.

On the basis of the above it is considered that the site is of a size sufficient to accommodate a development of the scale and layout indicated, and dwellings could be designed for the site that would be capable of being sensitive to the context of the surroundings. The application is therefore considered compliant with the relevant requirements of policies AW1, AW2, AW5, AW6, and SSA11 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

Following consultation members of the public have expressed concerns that the development would cause increased overlooking and loss of privacy to neighbouring dwellings. Whilst this is a matter more appropriately considered at the reserved matters stage, the site layout plan submitted indicates that a minimum distance of 17.5m could be maintained between the southern elevation of the indicative dwellings and the northern (rear) elevations of the properties in Jones Street, with a minimum distance of approximately 10m being maintained between the southern (rear) elevations of the properties in Park Place and the proposed dwellings. The provision and maintenance of such distances, particularly with regard to the properties in Park Place would raise concerns with regard to the impact on the privacy and amenity. However, being mindful that this is an outline application with all matters reserved for future consideration, it is considered that dwellings and suitable boundary treatments could be designed, positioned and provided on the site to minimise the impact on the residential amenity of those living closest to the site.

On the whole, it is considered that the site is capable of accommodating a residential development without unduly encroaching and compromising the privacy and amenity of neighbours. Whilst concerns have been raised with regards to the noise generated by the activities of potential residents of the site, in comparison to the existing established use as a builders and roofing merchants (*sui generis*) with associated storage and distribution and the potential intensification of such a use that could be

undertaken without the need to apply for planning permission, it is considered that the a residential development on the site would be more neighbourly in its overall impact.

On the basis of the above the application is considered compliant with the requirements of policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

Highway Safety

Following consultation, the Transportation Section have raised no objection to the application subject to conditions. As specified above, access to the development would be gained via the existing entrance in the western boundary of the site, which adjoins with the adopted, unclassified and unnamed highway that in turn leads from the A4054 (Cilfynydd Road) to the west. The unnamed highway has a carriageway width of 6.2m, with a 2.2m foot-way on the south side and a 1.0m foot-way on the north side. A number of conditions with regard to provision of a uncontrolled pedestrian crossing at the junction with Cilfynydd Road; and the submission of detailed design and priority junction markings and the internal highway layout and parking provision have been requested.

Whilst members of the public have raised concerns regarding increased levels of traffic, it is considered that the highway network has sufficient capacity to accommodate the traffic generated by the development and in line with the above consultation response, subject to conditions, an access and highway layout scheme could be designed for the site that would prevent any such development from being detrimental to the highway safety and free flow of pedestrian and vehicular traffic. Subject to conditions, the application is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Land contamination and drainage

As part of the public consultation process, members of the public have identified that the site is located on the original cutting and embankment for the colliery incline which was in-filled with colliery waste and was the subject of land reclamation works during the 1970s. Concerns have also been raised that works to the site would have a detrimental impact on natural and controlled drainage from the site and area as a whole.

Whilst the site, and parts of the Cilfynydd area as a whole, are listed in the Coal Authority's Abandoned Mines Catalogue; The South Wales Surface Coal Resource Area and within the South Wales Coal Mining Reporting Area, the site specifically, is located within a low risk development area as defined by the Coal Authority. as a result the application does not need to be supported by a Coal Mining Risk Assessment.

Following consultation, the Council's Public Health and Protection Team have advised that a commercial/ industrial garage, dismantled tramway and Albion Lower Tip formerly occupied the application site. Natural Resources Wales have advised that the site is of moderate sensitivity (within 50m of a surface watercourse Nant Cae-Dudwg 40m to the north of site and minor watercourses in the east of the site). However, no objection is raised to the granting of planning permission subject to a number of conditions being imposed requiring the submission of a full Site Investigation and Validation report prior to the commencement of development, to identify, evaluate and characterise the nature, sources, extent, implications and remediation of any contamination found on site.

Following consultation with the Authority's Flood Risk Management Team and Dwr Cymru/ Welsh Water no objections have been raised to the development subject to the imposition of conditions requiring the submission of full drainage details prior to the commencement of development. On the basis of the consultation responses received the application is considered compliant with policies AW10 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

The junction of the A4054 Cilfynydd Road and the adopted highway that provides access to the site, falls within the C2 Flood Zone as defined by the Development Advice Maps (DAM) of Technical Advice Note 15, Development and Flood Risk (2004). This area is outside of the application site. No part of the development site is within the C2 flood zone. However, in the event of the a flood a secondary means of escape from the site could be gained via the rear lane to the north and west of Jones Street.

Ecology

As part of the public consultation, concerns have been raised that the existing buildings on site are used by bats. Following the submission of internal photographic survey of the buildings, the Council's Ecologist has advised that the external materials, construction, design and use of the buildings, mean that they have a very low potential to be used as a roost and as has not requested the submission of a bat survey.

Affordable housing

Policy SSA12 of the LDP requires the provision of 20% affordable housing on development sites capable of providing five or more units. Based on the indicative provision, the developer would be required to provide 3 units of affordable housing. Following consultation the developer has confirmed that they are willing to enter into a Section 106 legal agreements to secure and retain such provision. The application is therefore considered compliant with the requirements of policies CS2, CS5 and SSA12 of the Rhondda Cynon Taf Local Development Plan.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

Section 106 Contributions / Planning Obligations

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

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

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

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

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

1. 20% affordable housing on the site.

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

Conclusion

In light of the above, it is considered that the principle of residential development of site is acceptable and that development of the site for residential purposes would be

compatible with surrounding land uses. It is also considered that subject to conditions, a scheme could be designed for the site that would not have a detrimental impact on the character and appearance of the area, the residential amenity of the on those living closest to the site or the highway safety and free flow of traffic in the area.

On the basis of the above the application is considered compliant with the relevant policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to conditions.

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) site location plan received on the 9th October 2017 and documents: Design and Access Statement; and Geo technical and Coal Mining Risk Assessment received by the Local Planning Authority on the 9th and 10th October 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. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- A desk-top study carried out by a competent person to identify and evaluate all previous uses, all potential contaminants associated with those uses and the sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 - A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
 - A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

4. The development hereby permitted shall not be occupied until the measures approved in the scheme (referred to in Condition 3 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved plan to demonstrate that the site remediation criteria been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the validation report. Any validation report shall be carried out by a competent person.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

5. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals

then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. On completion of the monitoring programme a final report demonstrating that all long term remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of development, details of the completed levels of the site and finished floor levels of all dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and the residential amenity of those living closest to the site, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

Reason: To ensure adequate disposal of foul and surface water drainage in

accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, no works shall commence on site until full engineering design and details of the tie in with the proposed access road with the existing highway and the lane to the west of plot 5 as shown on drawing 938/1000, the internal road layout, street lighting, any retaining structures and surface water drainage including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

11. An un-controlled pedestrian crossing point shall be provided at the junction with Cilfynydd Road (A4054) and the existing unnamed highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: To assist pedestrian movement for able and less able bodied pedestrians in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

g) the sheeting of lorries leaving the site.

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

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

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APPLICATION NO: 17/1179/10 (JE)
APPLICANT: Mr Dean Webber
DEVELOPMENT: Double extension to rear of property.
LOCATION: 52 MAESTEG CRESCENT, TONTEG, PONTYPRIDD,
CF38 1PE
DATE REGISTERED: 27/10/2017
ELECTORAL DIVISION: Tonteg

RECOMMENDATION: Approve

REASONS:

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

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to committee as the applicant is immediately related to a serving Councillor.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey rear extension at 52 Maesteg Crescent, Tonteg, Pontypridd, CF38 1PE. The proposed extension would measure a width of 6.2 metres covering the full width of the dwelling and would project outwards 4 metres. The proposed extension would have a dual pitched roof design with a gable end on the rear and would match the pitch of the dwelling on its left elevation. With the proposed extension measuring a maximum height of 6.7 metres sloping to 4.7 metres at the eaves. There are no proposed windows to the side elevation of the extension although an existing bathroom window at the property would be relocated to the side elevation of the dwelling. Other fenestration would be located on the rear elevation with two windows on the

first floor and a window and French doors accessing the amenity space on the ground floor.

The proposed extension would be constructed of materials to match the existing dwelling with a rendered exterior, grey concrete tile roof and white UPVC fenestration. With the proposed extension accommodating two bedrooms on the first floor, with a kitchen and utility room on the ground floor.

SITE APPRAISAL

The application property is a two storey semi detached dwelling located within a residential area of Tonteg. Although the property is set back from the highway at Maesteg Gardens the property is located on Maesteg Crescent. To the front of the property there is a amenity space which is currently used as a hard standing for off street parking. To the rear of the property there is an enclosed amenity space bounded on all sides by neighbouring dwellings. The property its attached on its right elevation and is separated from the neighbouring property on its left elevation by 11.6 metres with the property at an oblique angle.

Neighbouring properties are all semi detached dwellings of a similar scale and design to the application. There are examples of two and single storey extensions visible to the rear of neighbouring properties.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to 5 neighbouring properties.

1 letter of objection has been received from the occupier of a neighbouring property, The comments raised have been summarised below:

- Extension is unsuitable for the area.
- Overbearing and Overshadowing.
- Loss of Light.
- Disturbance caused by the development.
- Reduction in property value.

CONSULTATION

The nature and detail of the application meant that no specific consultations were necessary.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tonteg and is not allocated for a specific purpose.

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

- Design and Place making
- A Design Guide for Householder Development

National Guidance

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to an extension to an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

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

With the proposed extension located to the rear of the property and its maximum height no greater than that of the dwelling, it will have no impact on the principal elevation of the property. Although it is acknowledged the proposed extension would be visible from the highway at Maesteg Gardens. With the proposed development matching the roof pitch of the dwelling and being finished in materials to match that of the host property which will further ensure that it would not form an overly prominent feature in the immediate vicinity.

The objector has raised concerns on the suitability and the impact of the proposed extension on the area as a whole. It is noted that there are existing examples of similar extensions visible to the rear of neighbouring properties in the locality. It is not considered the proposed extension would be unsuitable for the area and will not significantly impact upon its character and appearance.

Impact on residential amenity and privacy

It is not considered that the proposed extension would exacerbate any existing opportunities for overlooking that is already possible from the first floor windows. In fact it is possible that the side elevations of the development would provide neighbours with a greater degree of privacy and that less of their property could be overlooked than at present.

Considering the attached property on the right elevation, no.50 Maesteg Crescent, the side elevation of the proposed extension would have some prominence from the house and garden, but this would not be to a height or depth that would be considered to cause an unacceptable degree of detriment to outlook and the height to the eaves at 4.7 metres, is considered relatively modest.

With the proposed extension located to the north of the adjacent property 50 Maesteg Crescent there would be no overshadowing impact on this property. Also as the neighbouring dwelling on the left elevation separating 11.6 metres any overbearing impact on this elevation would be minimal.

The letter of objection raised comments regarding the loss of light associated with the proposed extension. Whilst it is acknowledged that there will be a degree of impact it is not considered that this is of a level that would be significant.

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

Other Issues

Comments were raised from the objector regarding disturbance and damage to the neighbouring property. With the objector concerned that access would be required through their property during the construction period. This is a civil matter between neighbours with the objector having the right to restrict access over their property.

Also raised within the letter of objection were concerns regarding the disruption and disturbance during the construction period. It is considered that any disturbance caused by the proposed development regarding noise, dust and hours of work can be more efficiently controlled by other legislation and an appropriate informative note can be added to this effect.

While the concern of the objector is recognised, the impact of development on their property value is not a material planning consideration.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan Proposed extensions to 52 Maesteg Crescent, Tonteg and documents received by the Local Planning Authority on 27/10/17, 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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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

7 DECEMBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 494758)**

See Relevant Application File