



PLANNING & DEVELOPMENT COMMITTEE

19 JULY 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0510/10 (GD)
APPLICANT: Rhondda Housing Association
DEVELOPMENT: Demolition of existing buildings, erection of 39 no. dwellings, landscaping, access and associated works.
LOCATION: INNOVATION HOUSE, BRIDGEND ROAD, LLANHARAN, CF72 9RP
DATE REGISTERED: 15/05/2018
ELECTORAL DIVISION: Llanharan

RECOMMENDATION: Approve, subject to a S.106 Agreement

REASONS:

The principle of the proposed development is considered acceptable in planning policy terms and the redevelopment of this vacant site will bring an unused area of land in a sustainable location back into appropriate use and make a small but valuable contribution to increasing housing land supply.

REASON APPLICATION REPORTED TO COMMITTEE

- (a) The proposal is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

This application seeks full planning permission for the construction of 39no. dwellings, car parking and associated works on the site of Innovation House, Bridgend Road, Llanharan. The development will comprise 16no. houses, 5no bungalows (one of which will be adapted) and 18 no flats (two of which will be adapted). The site will be developed with housing fronting Bridgend Road which also

provides the point of access to the development. Within the development the western side of the site, other than one house adjacent to the entrance will be built out as bungalows the central area will provide the remainder of the housing and the eastern side of the site will accommodate the apartments. The houses are all of conventional two storey construction whilst the bungalows are simple single storey buildings. The apartments are arranged in two blocks around a courtyard area and are for the most part two storey construction though the corner units extend into a third storey in the same manner as those already built on the former Bryncae Industrial Estate.

As mentioned above the principal means of access will be derived from Bridgend Road at a location slightly east of the existing site entrance. Within the site the development is served by internal roads and two private drives. The proposed development will deliver a total of 58no. car parking spaces, including disabled and visitor parking space. The houses and bungalows will have parking space within the curtilage and the apartments will be served by a courtyard arrangement.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement,
- Pre application consultation report,
- Noise report,
- Ecology report,
- Drainage statement,
- Coal mining report,
- Geotechnical and geoenvironmental report,

SITE APPRAISAL

The application site is comprised in a rectangular area of land of some 0.78 hectare located immediately north of the A473 Bridgend Road at Bryncae Llanharan. The site has two substantial buildings which are currently vacant and had previously been used as offices that sit towards the front (southern) side of the site. The area to the rear of the buildings is set to car parking and landscaping and would previously have served the offices.

In the wider locality the site is surrounded by established residential development to the north south and west with allotment gardens lying to the east. Approximately 150 metres to the west are two local convenience stores a bakery, post office and a public house. The A473 is a regular bus route and provides the site with links to the railway station at Llanharan and to junction 35 of the M4 to the south west.

PLANNING HISTORY

16/1404 Change of use from offices to indoor play, cafe and Withdrawn
pottery centre 28/02/17

PUBLICITY

The application has been advertised by means of press notice site notices and neighbour notification letters and no objections or observations have been received.

CONSULTATION

Highways – no objections subject to conditions.

Drainage – no objection subject to conditions.

Public Health & Protection – no objections subject to conditions.

Natural Resources Wales – express significant concerns that the impact of the proposed development on protected species must be properly accounted for. Matters relating to site contamination can be appropriately addressed through planning conditions.

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

Western Power Distribution – raise no objections to the proposed development and advise the applicants to contact WPD if they require a new connection or a service diversion as these would require their consent.

Wales & West Utilities – no response received within the statutory consultation period.

South Wales Fire & Rescue Service – raise no objection to the proposed development and advise that the developer consider the need for adequate water supplies on site for fire fighting purposes and the provision of appropriate access arrangements for emergency vehicles.

Countryside Section – no objections subject to conditions requiring compliance with the recommendations of the ecology report and supplementary bat survey findings.

Coal Authority – no objections.

Police Authority – raise no objections to the proposed development and make a number of recommendations that will improve the security of the proposed development and meet secured by design criteria.

Housing Strategy – the unit mix and tenure are in accord with the Local Housing Market Assessment 2017 – 18 and the proposals satisfy the requirements of policy AW12 of the Local development Plan

Street Care – advise that as the private drives will be able to accommodate refuse vehicles that the development is acceptable.

Cwm Taf University Health Board – have no grounds for objection based on public health considerations contained within the application. Furthermore in terms of the wider public health it is agreed that the development proposal is sustainable in terms of the environment and will be of positive benefit to the population falling in line with the sustainable development principles of the Wellbeing of Future Generations (Wales) Act 2015.

Community Council – raise no objections to the proposed development but express the following concerns –

- The development should provide a Puffin Crossing that children living on the development can access the play area opposite and school buses safely.
- The flats should be limited to two storeys in height.
- There is a lack of green space and landscaping within the site.
- Parking provision should be to “normal “standards rather than reduced for social housing given residents experience with the existing development.
- The speed limit within the site should be restricted to 20mph.
- Existing residents fear that the retaining wall at the rear of their premises might be compromised by the proposed development and assurances are sought that this would not be the case.
- A secure boundary fence must be established between the site and the allotments
- Concerns are expressed with regard to the capacity of local schools and medical practices to accommodate the inhabitants of the new development.
- Noise, dust and construction traffic need to be appropriately controlled.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW1 explains the method used to meet the housing land requirements of the Borough which includes the development of unallocated land within the defined settlement limits of key settlements.

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

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

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

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

Policy AW11 - stipulates that alternative uses for existing employment sites will be permitted where the site has been marketed for employment purposes without success for a minimum of 12 months.

Policy SSA6 – supports residential development within the key settlement of Llanharan which is of a high standard of design and integrates positively with the existing environment.

Policy SSA11 – requires a minimum net density of 35 dwellings per hectare in the southern strategy area.

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

Policy SSA13 – supports residential development within defined settlement limits as long as the site is accessible by a range of sustainable transport modes, does not adversely affect the provision of car parking in the surrounding area and is not contaminated land or subject to land instability unless it is capable of appropriate remediation.

Supplementary Planning Guidance

- Design and Placemaking
- Design and Placemaking : Access, Circulation and Parking Requirements.
- Planning Obligations
- Development of Flats
- Employment Skills Training.

National Guidance

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

Planning Policy Wales

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The principal issues in the consideration and determination of this planning application are the planning policy position, the impact of the proposed development on the character and appearance of the area, the impact of the proposed development on the residential amenity and privacy of established dwellings and access and highway safety issues.

Principle of the proposed development

In planning policy terms the redevelopment of this site to provide residential accommodation is acceptable. Planning policy at the local and national level favours the redevelopment of brownfield sites in appropriate circumstances. In this instance Jones Lang Lassalle have confirmed that they have been actively marketing the site since August 2015 seeking tenants on a long or flexible lease terms for the vacant office units without success. There has been a detailed marketing campaign including the installation of marketing boards, website advertising targeted marketing to known occupier requirements clients as well as the targeting of specific companies. This position is strengthened further by the current housing land supply situation and in particular the need to deliver affordable housing in the Llanharan area which is identified as having a high demand for such provision. This satisfies the requirements of Local Development Plan Policy AW11 and subject to detailing the proposed development is acceptable in all other key policy areas. The proposed development is also acceptable in the context of policy requirements in terms of its sustainability satisfying key aspects of Local Development Plan Policies CS2, AW2 and SSA13.

Impact on the character and appearance of the area

In considering the impact of development on the character and appearance of the area it should first be noted that the wider area is not characterised by any particular design style or idiom. The housing immediately adjacent to the application site comprises modern volume housebuilder homes whilst a little further along Bridgend Road to the west is a development where the applicants have previously employed the designs that they intend to use on this site. Areas slightly further afield largely comprise older Victorian housing or more traditional social housing much of which is now in private ownership. The character and appearance of the area is therefore varied and the proposed development will be read as part of the wider mix. Furthermore the redevelopment of the site for housing will also have the benefit of removing a non conforming use from an otherwise predominantly residential area. As such the proposal is considered to comply with the requirements of Local Development Plan Policies AW5 and AW6 in respect of this issue.

The community council consider that the height of the flats should be restricted to two storeys but offer no justification for adopting this position on the issue. The three storey element of the apartment blocks adds interest to the visual appearance of the development and maximises the potential of the site to deliver affordable housing. In light of the above comments in respect of amenity and the absence of any justification for adopting such a stance no weight can be given to the suggestion.

The alleged lack of green space to serve the development ignores the fact that the development will take place in a landscaped setting. Furthermore on the issue of public open space and amenity space the application site sits to the north of the play area off Ffordd Y Dolau and is within 250m of the park and open space off Harold Terrace.

Impact on residential amenity and privacy

In considering the impact of the proposed development on the issues of amenity and privacy it is appropriate to consider both the nature and significance of any such

impacts particularly insofar as they might affect established residential properties. In this instance it is important to keep in mind that this is a redevelopment of an existing site with two large utilitarian buildings and a substantial car parking area still in place. The proposed development is reasonably well presented. As mentioned earlier much of the development on the western boundary will be single storey bungalows and the net result of this is that there will be no unacceptable impact on the nearest dwellings on Cynllan Avenue. Residential development to the south of the site is separated from the development by Bridgend Road and acceptable distances are maintained between existing housing and the proposed development along the site frontage. The greatest potential impact on amenity and privacy sits with the relationship between the established properties on Bluebell Drive which will sit back to back with the flats to be provided on Block A of the development one of which will be at third storey height. However, even in this instance a minimum distance of 18.3 m is maintained between the two which is the same as the relationship with the existing building on site which has a much greater bulk and mass, though the flats will be a little higher than the existing building. Also at first and second floor of Block A on the elevation facing Bluebell Drive, there are only a bathroom and secondary living room window both of which will be permanently obscurely glazed to protect the privacy of the rear gardens and rear elevations of those properties. The proposed development is considered to comply with key requirements of Local Development Plan Policies AW5 and AW6 in respect of this particular issue.

The community council have also raised the issue of noise, dust and construction traffic. Notwithstanding that the applicants have submitted as part of the application a construction environmental management plan (CEMP) these are matters that can be managed through the application of appropriate planning conditions in some cases or through other legislation otherwise.

Access and highway safety

Members should first note that the application is accompanied and supported by a Transport Statement which considers key aspects of the existing site and the development proposals in the context of planning guidance, trip generation and impact. In considering the current proposals Transportation officers have had regard to this information and independently evaluated the proposals with due consideration of access, visibility splays, pedestrian and cycleway impacts, bicycle parking, bus stops, and parking provision and have concluded that subject to conditions the current proposals are acceptable. The proposed development is considered to comply with key elements of Local Development Plan Policy AW5 with regard to this issue.

The local community council have indicated that they would favour the provision of a puffin crossing at the site. However no evidence is produced to indicate why this would be necessary to enable the development to go ahead and the supporting transport statement indicates that the local area has a good highway safety record with no inherent highway safety issues identified in the immediate vicinity of the site. As such this demand is not justified in planning terms

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.

The community council express the view that the development of the site might compromise the retaining walls at the boundary of the site. In response the applicants indicate that the site has been designed to avoid such an occurrence and that prior to any works taking place a party wall survey will be undertaken and the condition of the boundary and retaining walls agreed with neighbours so that any issues that arise through the course of construction can be appropriately addressed. Ultimately these are private property issues rather than material planning considerations.

The Community Council have also raised the issue of capacity with regard to local schools and surgeries. Members should note that the Local Health Board have raised no objection to the proposed developments. Further as Members will note, half of the development will be for much needed one bedroom flats that will have no impact on the schools in the area. As Members are also no doubt aware investment in school places is secured through the Community Infrastructure Levy, on the basis of a rate determined in respect of the overall needs of the County Borough including the need generated by social housing. As far as surgery provision is concerned the developer of this site has been working with the Local Health Board and others to facilitate the provision of a surgery on the second phase of the nearby Bryncae development.

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

The CIL (including indexation) for this development is expected to be £78,540. However, social housing relief may be claimed on the entire development.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

1. An agreement to maintain the proposed development as social housing in perpetuity.
2. The agreement of an employment skills training plan

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing and the creation of 39no. new dwellings on a windfall site will make a small but valuable contribution to addressing the housing land supply shortage within the County Borough.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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. 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.

3. 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. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

- A written method statement for the remediation of contamination affecting the site

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

7. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 6) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

11. The development hereby granted shall be carried out entirely in accordance with the findings and recommendations of Bat Observations Survey undertaken by Hawkswood Ecology dated June 2018 and the Preliminary Ecological Appraisal and Bat Roost Assessment by Hawkswood Ecology dated May 2018.

Reason: In the interests of ecology and maintaining biodiversity.

12. No works shall commence on site until design and construction details of proposed bus stop upgrades have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented prior to the first beneficial occupation of any dwelling hereby approved.

Reason: To promote sustainable modes of transport.

13. The development shall not be occupied until a Traffic Regulation Order (TRO) has been agreed and implemented to secure the provision of parking restrictions along the site frontage unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the deliverability of traffic management measures necessary to secure adequate vision splay to serve the proposed development in the interests of highway safety.

14. 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:
- The means of access into the site for all construction traffic.
 - The parking of vehicles of site operatives and visitors.
 - The management of vehicular and pedestrian traffic.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - Wheel cleansing facilities.
 - The sheeting of lorries leaving the site.

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

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

15. No HGV movements to and from the site during works of demolition, site preparation or construction shall take place between 07:30 hours and 08:30 hours, or between 16:00 hours and 17:30 hours Monday to Friday.

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

16. All first and second floor windows in the north facing elevation of block A shall be glazed with frosted glass in perpetuity unless the Council as Local Planning Authority gives its written consent to any variation.

Reason: In the interests of maintaining an acceptable standard of privacy and amenity in accordance with the requirements of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.