



PLANNING & DEVELOPMENT COMMITTEE

10 JANUARY 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 17/1096/13
(GH)
APPLICANT: Mr Snehi
DEVELOPMENT: Outline application for a proposed residential development comprising 12 no. apartments. (Revised scheme of reduced scale received 12/11/18)
LOCATION: **VACANT SITE AT FORMER ROYAL NAVAL ASSOCIATION CLUB, 232A-233 COURT STREET, TONYPANDY, CF40 2RF**
DATE REGISTERED: 12/11/2018
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: Approve, subject to a Section 106 Agreement:

REASONS:

By virtue of its location within the settlement boundary, the principle of residential development would be acceptable and accord with Policies CS1, AW1, NSA2 and NS12 of the Rhondda Cynon Taf Local Development Plan.

In addition to the sustainable location of the site, in accordance with Policy AW2, the plans accompanying the application demonstrate that a building of the scale and layout proposed could be accommodated satisfactorily within its curtilage.

Furthermore, acceptable vehicular access and off street parking provision would ensure that the development would not cause detriment to highway safety in the vicinity of the site.

REASON REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning consent is sought for a residential development of twelve apartments at the site of the former Royal Naval Association Club, Court Street, Tonypany.

Indicative plans have been submitted with the application, which show that twelve self-contained flats would be provided over three floors, and that the building would benefit from a primary access on Court Street.

A second entrance would be gained via the undercroft parking area, and this area would also be used to provide enclosed refuse storage, cycle stands and twelve off-street parking spaces. Vehicular access would be obtained from the existing access lane serving the Mitchell Court flats.

In addition the applicant has clarified, in terms of scale that the building would have the following minimum/maximum parameters:

Length: minimum 22.9m, maximum 23.5m
Width: minimum 17.65m, maximum 19m
Height: minimum 12.2m, maximum 14.5m

All matters have been reserved and thus details of access, appearance, landscaping, layout and scale would be dealt with by a future application.

SITE APPRAISAL

The application property is a piece of unallocated land located to the south-west and within walking distance of the centre of Tonypany. Comprising a surface area of approximately 0.07 hectares, there is a significant fall in level from west to east.

Formerly the site of the Royal Naval Club, the site is now vacant and unallocated for any specific use. The land and remains of the Club's foundations are overgrown with vegetation, which contributes to a sense of dereliction.

Surrounding properties are primarily residential in nature, with terraced houses located further along Court Street and at Chapel Street to the south. However, directly to the north-east of the site there is a five storey block of flats known as Mitchell Court.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

17/5058	Three storey high building comprising 15 No. apartments and relevant amenities.	Raise Objections 20/07/17
12/1020	Outline application with all matters reserved for 19 bed	Granted

	care home for elderly comprising of three storey building (amended description and amended plans received 07/03/13).	03/07/13
07/0375	Proposed residential development (outline).	Granted 27/04/07
06/2404	Construction of three storey building containing nine small flats. Undercroft parking area (Outline).	Withdrawn by Applicant 07/03/07

PUBLICITY

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

One letter of objection or representation has been received raising concerns in respect of the following:

- The building will be overbearing
- Parking is limited and will be exacerbated by the development
- Underground parking area will attract anti-social behaviour

CONSULTATION

Highways and Transportation - no objection subject to conditions.

Drainage - a condition, for the submission of foul and surface water, is requested.

Dwr Cymru/Welsh Water - no objection subject to a drainage condition and advisory note.

Western Power Distribution - a new connection or a service diversion would require a separate application to WPD.

Wales and West Utilities - WWU notes the proximity of underground services to the application site and has supplied a list of general conditions and a plan.

South Wales Fire and Rescue Service - no objection.

Countryside - Ecologist - given the sparse vegetation and very urban setting the ecological potential is pretty minimal and any survey/assessment or mitigation conditioning would not be justified.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tonypandy

Policy AW1 - identifies how the housing land requirement will be met

Policy AW2 - supports development 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 - supports development proposals which are not detrimental to public health or the environment

Policy NSA2 - permits residential development that promote the re-use of vacant land, supports local services, and supports the Key Settlement of Tonypandy.

Policy NSA10 - sets residential density at a minimum of 30 dwellings per hectare.

Policy NSA11 - affordable housing will be sought on sites of ten units or more.

Policy NSA12 - development will be permitted within defined settlement boundaries subject to criteria.

Policy CS1 - promotes residential development that supports and reinforces Principal Towns and Key Settlements.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Development of Flats - Conversions and New Build
- Planning Obligations
- Affordable Housing

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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 3 (Strategic and Spatial Choices)

Chapter 4 (Active and Social Places)

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

Chapter 3 of Planning Policy Wales 10 and LDP Policies CS1 and AW1 are supportive of residential developments that re-use previously developed and unallocated land, which is located within the settlement boundary and, in respect of the latter, where high quality affordable accommodation is provided.

Furthermore the site is accessible by a range of non-car transport modes, accessible to local services and facilities, and is not within land designated as being at risk of flooding. This would accord with Policy AW2 and define the site as being in a sustainable location.

With regard to the location of the site and the specific policies applying to the Northern Strategy Area, Policy NSA2 presumes in favour of residential proposals that support and reinforce the key settlement of Tonypany. Similarly, the development would not affect open space since the site is waste ground, no car parking would be displaced, and no contamination or instability issues are known; all of which would satisfy Policy NSA12.

Consequently, residential development is considered to be appropriate in principle for the site, since it meets the definition of a sustainable location where new housing would support the key settlement of Tonypany, and it would make good use of previously developed and derelict land. This is subject to a number of material conditions being satisfied, as considered further below.

Impact on the character and appearance of the area

The revised plans submitted on behalf of the applicant demonstrate that the scale of the development would respect the existing character of the built environment, and be of a size that would bridge the disparity in mass between Mitchell Court and the surrounding terraced houses.

Although the appearance and layout of the building would be reserved matters to be considered as part of a future application, the indicative plans show how the scheme could be designed to make the most of the site and in particular, deal with the drop in level.

Consequently, it is considered the indicative plans justify that a development of the scale proposed could be satisfactorily accommodated within the confines of the site, and that this could be achieved without detriment to the character and appearance of the surrounding area. Therefore, there are no objections in this regard.

Impact on neighbouring occupiers

The scale and siting of the proposed new building would not be considered to have a detrimental impact upon the surrounding neighbouring development for the following reasons:

Since the development would be located at a much lower level than the dwellings further along Court Street to the west, the majority of its elevations would not be visible and not capable of causing detriment to outlook or enabling intrusive views.

The same principle applies to the Mitchell Court flats, which are to the north of the site and at a skewed angle, so that the majority of their windows face away from the application site.

There is some concern that a small number of the new flats might have views down towards the terraced dwellings on Chapel Street. However, whether or not this would be the case depends upon the final designs and layout submitted as part of any reserved matters application. The issue is therefore one for future consideration.

Therefore, in terms of the impact of the development on the amenity and privacy of neighbouring occupiers, no objections are raised.

Highways and accessibility

The proposed development is located in the centre of Tonypany shopping centre with good transport links and a variety of local amenities.

The streets in close proximity to the site have parking restrictions (double yellow lines) on both lanes of the carriageway preventing on-street car parking taking place. There are a number of public car parks in close proximity to the proposed site.

The Council's SPG Access, Circulation & Parking stipulates that the proposed twelve apartments would require a maximum of twenty-four off-street car parking spaces, with twelve spaces provided.

Taking into account the sustainable location of the proposal in close proximity to public transport and the retail area of Tonypany, the Highways and Transportation Section considers that one off-street car parking space per apartment is acceptable. The indicative plan also shows ten secure cycle stands, which would be in excess of

the requirement set out in the SPG, and that the car park would be gated to improve security.

The development would increase vehicular movement by all types of vehicle to and from Mitchell Court out onto Court Street. Since the right visibility splay is obstructed by the high boundary walls there is concern that due to the geometry of Court Street and the visibility being blocked that potential vehicular conflict may occur.

Therefore a condition requiring a visibility splay of 2.4m x 40m has been suggested and the developer could provide a boundary wall of 900mm or less with a visirail on top to enclose the boundary or erect a visirail only.

Lastly, the footway leading to the parking area (Mitchell Court Access Road) is sub-standard in width which is of concern to the highway authority; however given that this is over a short distance on balance the proposal is acceptable.

Conditions and the scope of outline consent

Welsh Government Circular WGC 016/2014 - The Use of Planning Conditions for Development Management, advises that local planning authorities may wish to impose conditions relating to anything other than the reserved matters, when outline permission is granted.

The Circular explains that this may be appropriate if there are certain aspects of the development that are crucial to the decision, such as the retention of particular landscape features. Conversely, if and when reserved matters are approved, conditions which directly relate to those matters should be imposed at that stage.

Therefore with the exception of those conditions recommended below and in accordance with the Circular, it is proposed that the detail of other conditions proposed by consultees should be incorporated within advisory notes to provide guidance to the developer.

Planning Obligations and Affordable Housing

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:

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

Planning Policy Wales 10 (Chapter 4) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the Council's Housing Strategy Section has noted that one unit of affordable housing would be required under Policy NSA11. Normally, this would be met through provision of a two bed unit on site for sale as low cost housing to a Council nominated first time buyer. The purchaser would pay 70% of the open market value and a charge would be held on the title in favour of the Council for the other 30%.

However a commuted sum in lieu of on-site provision is proposed, equivalent to 30% of the market value of one of the two bed apartments. This would be calculated at the time the development comes forward based on evidence of achieved sale values provided by the developer; but would be subject to the development being viable to support such a contribution.

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.

However, the application site lies within Zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

Conclusion

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with Policies CS1, AW1, NSA2 and NS12 of the Rhondda Cynon Taf Local Development Plan.

In addition, the criteria contained within Policy AW2 evidence that the site is a sustainable location and within easy walking distance of shops, services and public transport links.

The plans accompanying the application demonstrate that a building of the scale and layout proposed could be accommodated satisfactorily within its curtilage and be reflective of the existing built environment and local topography.

Furthermore, acceptable vehicular access and off street parking provision would ensure that the development would not cause detriment to highway safety in the vicinity of the site.

RECOMMENDATION: GRANT: SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT.

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The visibility splay from Mitchell Court across the site frontage shall be laid out, constructed and retained thereafter with 2.4 x 40 metre vision splay unless agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. 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 highway and pedestrian safety, in accordance

with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

