



PLANNING & DEVELOPMENT COMMITTEE

21 FEBRUARY 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below

APPLICATION NO: 18/1375/10
(GD)
APPLICANT: Jehu Project Services & Linc Cymru
DEVELOPMENT: Development to provide 60 no. 1 and 2 bedroom extra care apartments and communal facilities for the over 50s, together with associated vehicular and pedestrian accesses, car parking, amenity areas, landscaping, refuse and cycle storage, and other ancillary development
LOCATION: FORMER MAGISTRATES COURTS, UNION STREET, GRAIG, PONTYPRIDD, CF37 1SD
DATE REGISTERED: 14/12/2018
ELECTORAL DIVISION: Graig

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is considered acceptable and the proposed development presents a rare opportunity to provide much needed supported living accommodation in an excellent location for future residents.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

The planning application seeks full planning permission for the construction of 60. Extra care flats and associated facilities on the site of the former magistrates court at Union Street, Graig Pontypridd. The proposal will comprise –

- 57 no. one bedroom flats
- 3 no. two bedroom flats.
- 31no. space car park
- Communal landscaped gardens
- Outdoor amenity facilities including potting shed and bowling mat.
- Laundry facilities
- Cinema
- Buggy stores
- Hair salon
- Dining areas (a communal kitchen will also be provided on site)
- Lounge areas
- Guest sleep over provision
- Roof terrace
- Bin store facilities.

Additionally a day care centre with lounge and dining facilities will also be available for members of the public to utilise.

The building will be developed as a single unit over five floors (lower ground floor through to third floor). The size and massing of the building decreases as the building rises e.g. the lower and upper ground floors will both have 1185.47 sq m of floorspace but the third floor will reduce to 890.65 sq. m of floorspace. The highest part of the building will be located towards the centre of the plot taking full account of its existing split-level arrangement. In terms of overall height, the five floor element of the proposed development would stand 17.95m to the ridge and 14.8m to the eaves, the three storey elements would stand 12.2m to the ridge and 9.12m to the eaves and the two storey elements will stand 8.6m to the ridge and 5.9m to the eaves.

The main body of the building will be finished in a buff brick with vertical cladding in a blue grey colour extending to cover the upper floors of the building with a darker pewter colour cladding used below windows in recessed areas. Projecting bay windows will be finished in copper cladding and the roof will be finished in a Marley Edgemere interlocking slate.

Access to the site will be via the existing location on Union Street though this will need to be re-engineered and widened to facilitate the proposed development. A total of 31no. car parking spaces will also be provided with 25no located to the east

of the proposed building with the remainder provided in the south western corner of the site either side of the proposed bin store.

The application is accompanied by the following:

- Pre Application Consultation report
- Design and Access Statement:
- Preliminary ecological appraisal
- Site investigation report
- Drainage Strategy
- Gas monitoring report
- Highways statement

SITE APPRAISAL

The application site comprises approximately 0.45 hectare of land located immediately to the south of the Pontypridd railway station. The northern part of the site sits at approximately the same level as the railway line and the topography climbs in a southerly direction in some places quite steeply. The site was formerly occupied by the magistrate's court, which was demolished in 2018, and most of the residual waste has now been removed from the site. Like the current proposal, the magistrate's court was a split-level building.

The site is bounded by Union Street to the south residential property to the west and the railway line and station to the south. The site currently benefits from separate pedestrian and vehicular access from Union Street. The site lies just outside of the Pontypridd town centre, which is within easy walking distance of the site. The adjacent railway station comprises a number of listed buildings and structures with the town centre conservation area lies further to the north.

PLANNING HISTORY

The site has an extensive planning history almost exclusively relating to the function of the property as a magistrates court and the following represent only the most recent planning applications...

17/0374	Prior notification (GDPO Part 31) of demolition of magistrates court	No objections 26/04/17
03/1472	Single storey extension to front of building and car park alterations	Approved 10/10/03
02/0071	Office extension	Approved 21/02/02

98/2710

Single storey modular building

Approved
27/11/98

98/2029	New training centre/offices	Approved 20/03/98
86/0956	Office accommodation	Approved 24/10/86

PUBLICITY

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

CONSULTATION

Highways – no objections subject to conditions.

Flood Risk Management – no objections subject to conditions.

Public Health & Protection – no objection subject to conditions.

Countryside – no objections.

Community Council – no observations received.

Natural Resources Wales – no objections.

Dwr Cymru Welsh Water – no objections subject to conditions.

Western Power Distribution – if the proposed development requires a new connection or service diversion then a separate application will need to be made to Western power distribution.

Wales & West Utilities – raise no objections to the proposed development and provide advice with regard to the presence of their apparatus near the application site and safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – raise no objection to the proposed development and advise that suitable provision be made for adequate water supplies on site for firefighting purposes and that access to the site be able to accommodate firefighting appliances.

The Coal Authority – no objections.

Police Authority - raise no objection to the proposed development and suggest a series of details be introduced into the proposed development to achieve secured by design standards.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS4 – defines housing land requirements.

Policy AW1 – defines the housing land supply to be met, partly, by the development of unallocated land within settlement boundaries.

Policy AW2 – promotes development in sustainable locations which includes sites within settlement limits benefiting from existing services and sites that support the role and function of principal towns. Locations should not unacceptably conflict with surrounding uses.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility, giving particular attention to neighbouring land uses and occupiers with existing site features of natural environment values retained where appropriate.

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 because of flooding.

Policy SSA11 – requires residential development in the southern strategy area to be at a minimum density of 35 dwellings per hectare.

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

Policy SSA13 – sets criteria for the consideration of housing proposals within settlement limits in the southern strategy area.

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 Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being 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 defined by chapter 2 people and places: Achieving Wellbeing Through Placemaking of the new policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 managing new development.

Chapter 3 strategic and spatial choices.

Chapter 4 active and social places

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 15: Development and Flood Risk;

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:

As described above this application seeks full planning permission for 60 no. apartments and associated facilities for those aged 50 and above within a single building on the site of the former magistrates court in Union Street, Pontypridd. Whilst extra care facilities will be available on site for those with mobility or similarly related issues, the apartments aim to provide independent units of accommodation and as such fall within use class C3. The key considerations with regard to the determination of the application are the principle of development itself, the impact of the proposals on the character and appearance of the locality, the impact of the proposed development on the privacy and amenity of residential property around the site and highway safety.

Principle of the proposed development

The application site lies well within the settlement limits of Pontypridd as defined by the proposals map of the Rhondda Cynon Taf Local Development Plan and is not allocated for any specific use. The site was formerly occupied by the local magistrate's court, which was demolished in 2018. Given the circumstances, a residential development of the site would be appropriate subject to the current proposals being able to demonstrate compliance with the planning policies that would affect the proposed development.

One of the key requirements of planning policy is that residential development in the southern strategy area should achieve a density of 35 dwellings per hectare, as the proposal will deliver the equivalent of 133 dwellings per hectare this requirement is more than adequately met.

A further requirement of planning policy is that the site should be 20% affordable housing. Though the site would be built and managed by a private company, (LINC Cymru), the Council would retain nomination and occupation rights. As such and given the specific nature of the proposed use, which in essence provides a type of social housing, the proposal is considered compliant with policy SSA12 of the Rhondda Cynon Taf Local Development Plan.

The site lies within defined settlement limits and is within 100m of the Pontypridd town centre and the amenities that it offers. The site is also immediately adjacent to the railway station and has good links with the local bus station. Given this situation and the fact that the development itself will benefit from wide ranging communal facilities (see above), the site is considered to be sustainably located.

In conclusion on the issue of the principle of development, it is considered the proposed development is compliant with local development plan policies and Planning Policy Wales insofar as they relate to the above issues

The key considerations, beyond the principle of development itself with regard to the application are considered to be- the impact on the proposal on the character and appearance on the area; the residential amenity of those living closest to the site, highway safety and impact on the ecology of the area.

Impact on the character and appearance of the area

Though the proposed development would be located centrally within the curtilage of the plot, it would be substantially larger than the magistrate's court that previously occupied the site. However, the immediate locality is characterised itself by moderate to higher density development in the form of the two storey Taff Vale flats to the west of the site and the five storey Fernbank House on Union Street to the south of the site. These residential properties date from the 1970's and 1980's are finished in a buff brick with tiled roofs. Though the proposed development would be built in a more varied palette of materials its appearance would be broadly in keeping with the character and appearance of established residential development to the south of the railway. This is reinforced by the fact that proportion and massing of the proposed building has been designed to minimise its impact around its fringes and particularly on its western elevation, which maintains and reflects the residential character of the area.

As Members will be aware, the Railway Station to the north of the site is a listed building with some of its features individually listed in their own right. The proposed development given the design and increased level of detailing over and above that of the buildings around the site would improve the setting of the station and views from it, and this too would represent a positive contribution to the character and appearance of the area.

In light of the above, and the external works proposed as part of the development in the form of landscaped gardens, potting shed, short mat bowling green etc. the proposed development is considered compliant with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan insofar as those policies relate to the character and appearance of the development proposed

Impact on residential amenity and privacy

The redevelopment of the site as a residential development with a number of ancillary functions will have a positive impact on residential amenity in the locality generally however, the size and massing of the building and the relationship that it brings to established property in the area requires closer consideration.

The proposed development presents no issues in terms of privacy and amenity to the north of the site as that elevation faces the railway station. To the east of the proposed building residential properties on Rickard Street are sufficiently distant from the proposed building that no privacy or amenity issues arise.

The closest residential properties to the proposed development are the Taff Vale Flats to the west of the development site. At the closest point the proposed building would be 14.25m from the nearest of the flats, however the properties would not directly face each other. Furthermore, at that nearest point, the proposed building would only be two and three storey in height given its split level nature and would only have secondary windows to a dining area and proposed flats facing the existing Taff Vale Flats. Between the main body of the proposed building and the established Taff Vale Flats a minimum distance of 22.75m will be maintained and this combines

with the fact that the established flat sits at a 45-degree angle to the proposed building and is elevated above the lower ground floor level of the application site.

To the south of the site on Union Street lies a grassed embankment, but part of the proposed development will face the already established five storey Fernbank House. The south facing elevation of the proposed building would be four storey in height dropping to two storey in height at its western wing. The proposed building would be 18m to 20m distant from Fernbank House and given the orientation of the proposed building with the established property would also deliver an element of deflection the relationship is considered acceptable.

In conclusion, on this particular issue it is clear that in designing the proposed development, the architect has given careful consideration to the relationship the proposed property would have with established residential property and this has resulted in a proposal that respects the amenity and privacy of those properties to a more than acceptable level. As such, the proposed development is considered compliant with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan insofar as they relate to the issues of amenity and privacy.

Access and highway safety

Members should first note that subject to condition Highways Development Control raise no objection to the proposed development as reported above. In arriving at this conclusion, they have given careful consideration to the key issues around this proposed development including access, vision splays, parking provision and trip generation. Having regard to all of the above, they have concluded the proposals are acceptable in respect of these issues that the proposed development lies in a sustainable location and is compliant with the sustainable transport hierarchy as shown in Planning Policy Wales 10.

Other Issues:

Inasmuch as the consultation process has not raised any issues that are not addressed above or in the application of conditions to any potential planning permission there are no further material considerations that would impact on the consideration of this planning application.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sq.m. for residential development.

The CIL (including indexation) for this development is expected to be £305,487.20.

However, social housing relief may be claimed on the whole development given the nature of the proposals.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the type of development currently proposed. In terms of other material planning considerations, it is considered that the proposal is not only acceptable but would also make a positive contribution to the character and appearance of the area and provide much needed social housing. As such, support for the proposal is offered.

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 Section 92 of the Town and Country Planning Act 1990.

2. The consent hereby granted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:–

- Site layout & landscape plan drawing no.5808-P-0120 Rev C
- Lower ground floor plan drawing no. 5808-P-0200 Rev E
- Upper ground floor plan drawing no. 5808-P-0201 Rev E
- First floor plan drawing no. 5808-P-0202 Rev D
- Second floor plan drawing no. 5808-P-0203 Rev D
- Third floor plan drawing no. 5808-P-0204 Rev D
- Roof Ga plan drawing no. 5808-P0205 Rev D
- Proposed South & West elevations drawing no. 5808P-0700 Rev E
- Proposed North & East elevations drawing no. 5808-P-0701 Rev G.

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

3. 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.

4. Prior to their use on site, full details of the surfacing materials proposed to be used on any roadway, footpath, car park, lay-by, play areas or other paved or metalled areas have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. 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.

6. 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.

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

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

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

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

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

9. The 31no. parking spaces shown on drawing no. 5808-P-0120 shall be implemented on site in permanent materials prior to the first occupation of the building hereby approved and shall be retained for the purposes of the parking of vehicles only.

Reason: To ensure that vehicles are parked off the public highway, in the interests of highway safety, having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, development shall not commence until details providing for the improvement to the existing access, including the provision of an uncontrolled pedestrian crossing, and vision splays of 2.4m x 34m. to the left and 2.4m x 28m. to the right have been submitted to and approved in writing by the Local Planning Authority. The improvements to the existing access shall be fully implemented prior to the first occupation of the building and the vision splays shall be maintained indefinitely.

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

11. No development shall take place, including works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the local Planning Authority to provide for –
 - 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 safety and the free flow of traffic, having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 16:30 pm on weekdays to and from the site.

Reason: In the interests of safety and the free flow of traffic, having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. 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.

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.

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

15. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Conditions 14 & 15 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. Any validation report shall be carried out by a competent person.

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.

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

17. All building works relating to the proposed residential properties and external amenity areas shall be constructed so as to provide sound attenuation against external noise as detailed in Environmental Noise Assessment (Ref: 7129/BL/Revision B). The sound insulation works shall be completed as approved before the use of the buildings begins and shall thereafter be retained in perpetuity.

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.

18. The residential units hereby approved shall be delivered by a Housing Association Partner (Linc Cymru Housing Association Limited) of Rhondda Cynon Taf County Borough Council and shall only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

Reason: In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of the policies of the adopted Rhondda Cynon Taf Local Development Plan.

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