



PLANNING & DEVELOPMENT COMMITTEE

21 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1343/10
(MF)
APPLICANT: Rhondda Housing Association
DEVELOPMENT: Amendment to approved site layout of planning permission ref. 17/0461/10, to amend Plot 21 to create 3 bedroom 5 person bungalow; and to amend Plot 22 to create 2 no. semi-detached bungalows comprising Plot 22 (4 bedroom 6 person adapted bungalow) and Plot 23 (2 bedroom 3 person DQR bungalow).
LOCATION: **FORMER WILLIAMSTOWN PRIMARY SCHOOL, WILLIAMSTOWN, TONYPANDY, CF40 1NZ**
DATE REGISTERED: 13/12/2018
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: APPROVE.

REASONS:

The principle of residential development is well established at the site. Additionally, it is not considered the proposed amendment of 2 no. house types and the additional of 1 no. further unit would have any undue impact upon the visual amenity of the site or its surroundings; upon the amenities of the occupiers of the adjacent plots; or upon highway safety in the vicinity of the site.

Finally, whilst the loss of 5m² of proposed play area is regrettable, the proposed amendments to the previously approved scheme have been designed in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within the Tonypany/Penygraig housing market area, with the amended house types being designed to better meet the identified local housing need. It is therefore considered the amendments would respond well to the Local Housing Market Assessment evidence and satisfy the criteria set out in Policy NSA11. Consequently, on balance, it is considered that the required amendments at the site outweigh the loss of a small section of the proposed play area in this instance.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for determination as the proposal is not covered by determination powers delegated to the Service Director Planning.

APPLICATION DETAILS

Full planning permission was granted on 23/07/18 for the demolition of the former Williamstown Primary School and the redevelopment of the site for 22 no. residential dwellings (planning permission ref. 17/0461/10). This application seeks to amend the site layout previously approved. The proposed amendments are detailed as follows:

- Plot 21: the approved site layout includes a 2 bedroom, 3 person bungalow. The amendment would see the house type altered to a 3 bedroom, 5 person bungalow through the addition of a single storey extension to the rear of the previously approved property. The amended house type would not require any alteration to the wider, previously approved site layout.
- Plot 22: the approved site layout includes a 4 bedroom, 6 person adapted, detached bungalow. The amendment would see this property replaced with a pair of semi-detached bungalows, increasing the total number of units on site from 22 no. to 23 no. The new properties would form 1 no. 4 bedroom, 6 person adapted bungalow (Plot 22), and 1 no. 2 bedroom, 3 person Development Quality Requirements (DQR) bungalow (Plot 23). This amendment would result in 5m² of the previously approved Local Area for Play (LAP) being utilised for garden curtilage in association with Plot 22 (reducing the floor area of the LAP from 230m² to 225m²). The amendment would also result in an additional off-street parking space being created at the site for use in association with Plot 23.

No further amendments to the originally approved scheme are required or proposed.

Members are advised that the amendments to the previously approved affordable housing scheme have been designed in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within the Tonypany/Penygraig housing market area, and to better meet the identified local need.

SITE APPRAISAL

The application site comprises the former Williamstown Primary School site and a former children's playground, located within a residential area of the village, between

Arthur Street (north-east), Coronation Street (south-east), Blanch Street (south west), and School Street (north-west).

The site is roughly rectangular in shape, extending to approximately 0.51 hectares, and formerly accommodated a range of vacant school buildings and its associated grounds, as well as a separate children's play area at the north-western corner. The school and play area were demolished in 2016.

The site falls from north-east to south-west (from Blanche Street to Arthur Street) with an existing and original retaining wall running through the site from north-west to south-east, demarking a change in levels between the north-eastern and south-western sections of the site. The site is surrounded by residential properties on all sides which vary from traditional terraced properties to larger semi-detached and detached dwellings. The south-eastern boundary of the site is also defined by a retaining wall adjacent to the footway along both Arthur Street and School Street.

PLANNING HISTORY

Previous planning applications submitted at the site:

18/1331	Discharge of conditions 4 (site drainage), 5 (internal road layout), 6 (construction method statement), 7 (site access), 8 (traffic signs and road markings relating to the former use) and 10 (service apparatus) of planning permission ref. 17/0461	Undetermined
17/0461	Development of 22 residential dwellings, landscaping, access arrangements, car parking and associated works	Granted 23/07/18
16/0029	Prior approval for the demolition of the former school buildings	PNR 09/02/16
15/1636	Demolition of existing school buildings and the erection of 25 residential dwellings with associated landscaping, car parking and associated works	Granted 09/06/16
13/0447	Residential development to create 23 no. houses	Withdrawn 10/10/16

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from the occupier of a neighbouring property, making the following comments (summarised):

- The redevelopment of the site would be out of keeping with the character of the surrounding area.
- The redevelopment of the site for residential use will result in further cars parked on the neighbouring streets which are already congested.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection.

Housing Delivery – no objection.

Play and Recreation Facilities – the play area approved under the previous application (ref. 17/0461) and which is subject to a Section 106 agreement is already of a small scale. Therefore any reduction in footprint could have a detrimental impact to future provision.

Natural Resources Wales – no objection, subject to condition.

Dwr Cymru/Welsh Water – no objection.

Wales and West Utilities – no objection, subject to conditions.

Western Power Distribution – no objection.

South Wales Police – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

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

Policy AW1 – sets out the criteria for new housing proposals.

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

Policy AW4 – details the criteria for planning obligations including the Community Infrastructure Levy (CIL) and Section 106 Agreements.

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

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

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

Policy NSA10 – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

Policy NSA11 – seeks a provision of 10% affordable housing on sites of least 10 no. units or more within the Northern Strategy Area.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

Supplementary Planning Guidance

- Design and Placemaking;
- A Design Guide for Householder Development;
- Affordable Housing;
- Planning Obligations;
- 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.

Welsh Government published Planning Policy Wales (Edition 10) on 5th December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act (2015) into town and country planning and sets out the Welsh Government's policies on issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-Being of Future Generations (Wales) Act and the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant national 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 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Sport, Recreation and Open Space;
- PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

Full planning permission is sought for the variation of 2 no. house types and the addition of a further dwelling at Plots 21 and 22, at the former Williamstown Primary School, Williamstown.

As detailed above, full planning permission was granted in 2018 for the construction of 22 no. residential units at the site. Therefore the principle of residential development at the site has been established, along with acceptability of the wider redevelopment of the site in respect of the other relevant material considerations. Consequently, the current application represents an amendment to the earlier approved scheme by way of a variation of the house types proposed at Plots 21 and 22, and the addition of a further unit at Plot 22 only. The assessment set out below therefore relates to the proposed alterations to the previously approved scheme only.

Visual Impact

The amendment would see the house type on Plot 21 altered from a 2 bedroom bungalow to a 3 bedroom bungalow. The alteration would see no change in the design or finishing materials to that previously approved, simply a small single storey extension to the rear of the building that would accommodate the additional bedroom. Furthermore, the amendment would not result in any alterations to the wider development of site. It is therefore considered that this element of the proposal would form an insignificant alteration to the character of the originally approved scheme that would not be readily noticeable in the wider development. It is therefore considered that this amendment would have no adverse impact in respect of visual amenity.

With respect to the amendments proposed at Plot 22, the alterations here would see the originally approved 4 bedroom bungalow being replaced with a pair of semi-detached bungalows, inevitably altering the character and appearance of the site as previously approved. However, the proposed bungalows would be of a similar footprint to that of the single, large bungalow they would replace, albeit slightly larger, and consequently it is not considered the amendment would lead to overdevelopment. Furthermore, the scale and design of the proposed semi-detached bungalows would be similar to that at other plots within the wider development, and they would be finished in the same external materials as all other properties within the wider site, ensuring that they will not be overly prominent. It is noted that this element of the scheme would result in an additional off-street parking space being provided to the car parking area at the centre of the site, however, this would also form an insignificant alteration to the previously approved site layout and would not

be readily noticeable within the wider development. Therefore, whilst this aspect of proposed amendment would obviously alter the visual appearance of the site as previously approved, it is not considered it would result in an overly noticeable alteration to the previously approved scheme, or have any adverse impact in visual terms.

Therefore, overall, it is considered that the design, scale and proportions of the proposed bungalows and resulting variations to the approved site layout are acceptable and would not appear out of keeping with the character of the adjacent plots or wider development site. The proposed amendments are therefore considered acceptable in respect of their potential visual impact.

Residential Amenity

Having considered the proposed site layout, the scheme is also considered to be acceptable in terms of its potential impact upon the amenity and privacy of the adjacent plots. The proposal involves the creation of a small, single storey extension for additional living accommodation at Plot 21, and the replacement of 1 no. bungalow with 2 no. at Plot 22 with appropriate separation distances being maintained between neighbouring plots. Furthermore, with the proposed new pair of semi-detached bungalows sited in the same location and having a similar footprint to the single bungalow they would replace, it is not considered the proposed amendments would have any further impact upon the amenities of the adjacent, existing properties surrounding the site than that which would occur if the development was constructed as previously approved. The application is therefore considered acceptable in this regard.

Highway Safety

The Council's Transportation Section raised no objections to the scheme following consultation, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that the amended site layout illustrates that 1 no. off-street parking space would be provided for the additional 2 bedroom bungalow at Plot 23 and the 2 no. parking spaces proposed for the 4 bedroom adapted bungalow at Plot 22 would be retained, which is acceptable. There is some concern however that the proposed alterations to Plot 21 to increase the number of bedrooms from 2 no. to 3 no. would require an additional parking space in accordance with the Council's SPG: Access Circulation and Parking, however, considering the modest size of the proposed adapted bungalow, the lower car ownership associated with social housing and adapted properties, the sustainable location of the development site, the availability of 2 no. visitor parking bays, and potential short term on-street parking within the development, on balance, the parking provision is considered acceptable.

Consequently, in light of the above highway assessment, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety and car parking provision in the vicinity of the site, subject to the conditions detailed below.

Play and Recreation Facilities Provision

Members are advised that the previously approved scheme (ref. 17/0461/10 – 22 no. dwellings) proposed a 230m² LAP at the south-western corner of the site to mitigate against the loss of the previous children's playground that existed at the north-western corner of the site prior to the recent demolition works. The original playground was formerly owned by the Local Authority, with ownership transferred as part of the Section 106 agreement forming part of application ref. 15/1636/10 (25 no. dwellings). The amendments proposed as part of this scheme would result in 5m² of the previously approved LAP being utilised for garden curtilage of Plot 22, reducing the floor area of the LAP from 230m² to 225m².

As detailed above, the Council's Play and Community Facilities Manager has commented that the play area approved under the previous application (ref. 17/0461) and which is subject to a Section 106 agreement is already of a small scale and therefore any reduction in footprint could have a detrimental impact to the future provision. Whilst these comments are appreciated, Members are advised that this affordable housing scheme has been designed in dialogue with the Council's Housing Strategy Team to help address the identified need for additional affordable housing within the Tonypany/Penygraig housing market area, with the amended scheme being designed to better meet the local housing need. As such, whilst the loss of 5m² of proposed play area is regrettable, the amendments would respond well to the Local Housing Market Assessment evidence and satisfy the criteria set out in Policy NSA11. Consequently, on balance, it is considered that the introduction of a required, adapted bungalow outweighs the loss of a small section of the proposed play area in this instance.

Public Health

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

It is also noted that Natural Resources Wales commented that land contamination associated with the previous use is unlikely to be a risk to controlled waters. As such no objections are raised but it is suggested a condition be added to any consent requiring the submission of appropriate assessment reports should contamination not previously identified be found on site during development.

Land Drainage and Flood Risk

No objections have been raised by the Council's Flood Risk Management (FRM) Section following consultation. It was noted during their assessment of the scheme that the applicant has not provided any site drainage details with the application and consequently it is difficult to assess the potential impact of the proposed

development in respect of drainage/flood risk, however it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the LPA prior to any development works starting on site.

It is also noted that no objections were received from Dwr Cymru/Welsh Water, subject to standard conditions and advice.

In light of the above advice, the development is considered acceptable in respect of site drainage, subject to the condition detailed below.

Other Issues

It is also noted that no objections were received from the Council's Countryside, Landscape and Ecology Section, Wales and West Utilities, Western Power Distribution or South Wales Police, subject to standard conditions and advice.

Section 106 Contributions / Planning Obligations

Section 106 (S.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 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: Planning Obligations.

Members are advised that should this application be approved, whilst it would not be subject of a S.106 agreement itself, the applicant would be required to amend the current S.106 agreement attached to planning permission ref. 17/0461/10 through a Deed of Variation. The amendments would require the proposed units to be maintained as social housing in perpetuity, and would ensure the existing sum required for the future maintenance of the play area, should it be adopted, is secured (£30,000). It is considered that this requirement meets all of the above tests and is compliant with relevant legislation.

Community Infrastructure Levy 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 site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones where a £nil charge is applicable. Therefore no CIL is payable.

Conclusion

The principle of residential development is well established at the site. Additionally, it is not considered the proposed amendment of 2 no. house types and the addition of 1 no. further unit would have any undue impact upon the visual amenity of the site or its surroundings; upon the amenities of the occupiers of the adjacent plots; or upon highway safety in the vicinity of the site.

Finally, whilst the loss of 5m² of proposed play area is regrettable, the proposed amendments to the previously approved scheme have been designed in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within the Tonypany/Penygraig housing market area, with the amended house types being designed to better meet the local housing need. It is therefore considered the amendments would respond well to the Local Housing Market Assessment evidence and satisfy the criteria set out in Policy NSA11. Consequently, on balance, it is considered that the required amendments at the site outweigh the loss of a small section of the proposed play area in this instance.

It is therefore considered the proposed development complies with the relevant local and national planning policies and is acceptable, subject to the conditions set out below.

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. The development hereby approved shall be carried out in accordance with the approved plans ref.

- A200 Rev. A
- A250 Rev. K
- A279 Rev. F
- A280 Rev .E
- A282 Rev. F
- A283 Rev. F

and documents received by the Local Planning Authority on 05/12/18, 13/12/18 and 23/01/19 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. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought in to beneficial occupation 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.

4. Notwithstanding the submitted plans, no development shall commence on site until full engineering design and details of the internal road layout including sections; street lighting details, traffic calming, vehicular crossover's and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

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

5. Notwithstanding the submitted plans, no development shall commence on site until full engineering design and details of the widening works to the existing highway (Arthur Street / School Street / Blanch Street), site access including, including sections; street lighting details, and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The widening works shall be carried out in accordance with the approved details prior to beneficial occupation of the first unit.

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

6. Notwithstanding the submitted plans, no development shall commence on site until details of the removal of any traffic sign and road markings relating to the former use as a school site on the existing highway network have been submitted to and approved in writing by the Local Planning Authority. Changes to signage and road markings shall be implemented in accordance with the approved plans prior to beneficial occupation of the first unit.

Reason: To ensure the adequacy of the proposed development, in the

interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to any development commencing on site, details of the proposed vehicular footway crossovers shall be submitted to and approved in writing by the Local Planning Authority. The vehicular footway crossovers shall be provided in accordance with the approved details prior to beneficial occupation of the first unit.

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

8. The service apparatus affected by the proposed development shall be relocated in a position to be agreed in writing by the relevant statutory undertakers prior to any works commencing on site.

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

9. No development shall commence on site, including any demolition works or 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 pedestrian and highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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.