



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 NOVEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/1278/13 (KL)  
**APPLICANT:** Tectonic International Limited  
**DEVELOPMENT:** Outline application with all matters reserved for 5 residential dwellings (demolition of existing buildings) (Amended plan to include bat roost mitigation measures rec. 12/08/2020)  
**LOCATION:** THE OLD SCHOOL, MERTHYR ROAD, LLWYDCOED, ABERDARE, CF44 0UT  
**DATE REGISTERED:** 12/08/2020  
**ELECTORAL DIVISION:** Aberdare West/Llwydcoed

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**RECOMMENDATION:** Approve

#### **REASONS:**

The application site is located within a sustainable location and within an area that is predominantly residential in character. Whilst the application is made in outline with all matters reserved for future consideration, it is considered that the site can be developed for residential purposes without resulting in overdevelopment of the plot or without result in an adverse impact upon the character and appearance of the site or upon the amenity and privacy of existing and future residents. Furthermore, the development would provide an improvement to the existing highway network at the junction between Merthyr Road and Corner House Street and it is not considered that the development would have an adverse impact upon highway safety in the vicinity of the site.

Details submitted with the application adequately consider the impact of the proposal upon Protected Species and it is considered that the recommendations/details set out in the submitted Bat Survey and the amended plans can be secured by condition.

The application is therefore considered to comply with the relevant policies of the Rhondda Cynon Development Plan.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received;

## **APPLICATION DETAILS**

Outline planning permission is sought for the construction of 5 detached residential dwellings on land at the junction between Merthyr Road and Corner House Street in the village of Llwydcoed. The application is made in outline with all matters reserved for future consideration.

The application is accompanied by an indicative site layout plan which indicates three dwellings facing toward Merthyr Road to the north-west and two dwellings facing toward Corner House Street to the north-east. Each dwelling would have off-street car parking provision to their front elevations with enclosed gardens being positioned to the rear.

Details submitted with the application indicate minimum and maximum dimensions for each dwelling, as detailed below:

- Width: Min. 5.5m; Max. 9m;
- Depth: Min. 9m; Max 12m;
- Height: Min. 5m; Max. 9m;
- Eaves: Min. 2.4m; Max 5.2m.

The proposal has been amended during the process of the application with amended plans indicating that a detached building would be provided within the garden area of 'plot 5' for the purposes of bat roost mitigation.

The application is accompanied by the following:

- Bat Survey (Dated: June 2020)

## **SITE APPRAISAL**

The application site relates to a broadly rectangular shaped plot of land that is situated at the junction between Merthyr Road and Corner House Street in the village of Llwydcoed, Aberdare. It measures approximately 1400m<sup>2</sup> (0.14ha) and rises gradually in ground profile in a south-west to north-east direction.

The site is currently occupied by a former primary school building which is situated at the most central and northern parts, with two other detached outbuildings being located at the most southern and north-western corners. It is understood that the building is currently in use and occupied by a commercial business known as Tectonic International Ltd (Use Class B1). Vehicular access is provided directly off Merthyr Road at the north-western boundary whilst a secondary access is provided off Corner House Street at the north-eastern boundary.

The surrounding area is predominantly residential in character with a variety of different house styles and scales visible in the immediate vicinity. Properties immediately to the north of the site along Merthyr Road are typically large detached and semi-detached dwellings/bungalows that differ in terms of scale and design. Properties to the north-east of the site in Corner House Street are predominantly traditional terraced properties that follow a linear pattern with the road however, it is noted that there are larger, detached properties on the southern side of the road (at the rear of the application site). A war memorial park and Monument (Listed) is situated immediately adjacent to the southern boundary of the site.

## PLANNING HISTORY

11/0988	Tectonic International Ltd. Merthyr Road, Llwydcoed	Proposed extensions and alterations to offices	Granted 09/11/11
10/0822	Tectonic International Ltd. Merthyr Road, Llwydcoed	Change of use from Class D1 to Class B1 to accommodate established business, repair & improvements to buildings for the provision of office space, software development, assembly/testing computers, light engineering (amended plans rec. 09/03/11, indicating access to site from Merthyr Road).	Granted 14/04/11

## PUBLICITY

The application has been advertised by means of direct neighbour notification to properties immediately adjoining and opposite the site. A total of 3 site notices were also displayed on Merthyr Road, at the junction between Merthyr Road and Corner House Street and on Corner House Street itself. A total of 6 objections were received initially, with a further 2 being received as a result of the re-consultation exercise carried out upon receipt of the amended plan (bat roost mitigation). One of the letters received following the re-consultation exercise is from a resident who had already submitted a letter of objection in response to the initial plans submitted, with the points raised being reiterated.

It should also be noted that 1 letter of objection was subsequently withdrawn (total of 6 letters of objection). The objections received are summarised as follows:

## Highways

- There is not enough room to deploy wider safety barriers, without posing secondary risk due to traffic collision/congestion;
- The road is already a danger due to traffic and lack of pavement;
- A full traffic risk assessment of the area needs to be performed;
- Concern raised in relation to increase in traffic in an area which is already a worry to residents;
- There is a primary school at the end of Corner House Street with the only access being from the exceptionally busy main road;
- There is a lack of concern by many drivers to the 30mph speed limit;
- Increased traffic and parking problems should be addressed – it is a nightmare to exit Corner House Street before this development;
- Tectonics were refused an entrance into Corner House Street by the Highways Department as they would be entering the street blind;
- The police are already aware of serious congestion problems in the vicinity due to the sheer volume of traffic on Merthyr Road and the traffic in Corner House street due to the location of the primary school at the end of the street;
- There are frequent parking problems on Merthyr Road with additional serious parking problems associated with the Red Cow Public House;
- Local residents have been lobbying for some form of traffic calming or control measure in this area for some years;
- The plans indicate an improvement to the vision splay at the junction but this would be limited in view of the fact that both streets are exceptionally busy, especially at peak times;
- The proposed footpath is an improvement and will aid vision of drivers at the junction of Corner House Street however, vehicular parking should be limited with the implementation of double white lines to aid hazards at this dangerous junction;
- There is not a necessity to allow 3 driveway accesses to this busy road;
- There is a necessity to install a pedestrian crossing;
- Delivery limitations should be further limited to allow for the traffic at school times;
- Planning needs to consider ensuring that legislation makes it mandatory for only 2-3 vehicles per household to ensure there is no illegal, dangerous parking at the junction & entrance points;

## Amenity and Privacy

- Concern with overlooking by the proposed dwellings;
- Concern regarding boundary wall with the application site;
- Plots 3, 4 & 5 would significantly affect the light to the frontage dwellings in Corner House Street;
- The plan is unspecific - does not state how many bedrooms per dwellings and only minimum and maximum dimensions provided;

## Other

- The demolition of the property poses high risk to the public – there is no spaces to protect/buffer pedestrians from falling debris or other falling material’;
- Residents on Merthyr Road, in near proximity to the site, have not received letters informing them of the proposed development;
- The Old School building is an historic part of old Llwydcoed and ideally it would be maintained/restored in a sympathetic way and put to some community use such as a community centre, museum;
- Llwydcoed has been subject to a large number of new residential developments in recent years however, facilities have not been increased to match this demand – a further 5 dwellings would create more problems;
- Concerns raised with regard to dust and mess;

## CONSULTATION

**Countryside, Landscape & Ecology** – No objection, subject to condition to secure the details submitted in the plans. A S106 agreement is also recommended to ensure the long-term management of the proposed bat roost requirements.

**Flood Risk Management** – The development would be greater than 100m<sup>2</sup> and the applicant will therefore be required to gain separate Sustainable Drainage Approval (advisory note). It is also noted that the site is at risk of surface water flooding due to the position of the development in relation to a High Surface Water Conveyance Zone, which is likely to be exacerbated through the creation of access from the proposed site onto Merthyr Road. A further condition is therefore recommended.

**Glamorgan Gwent Archaeological Trust** – The proposal will require mitigation. The buildings do not any statutory protection however, they are of historic and cultural importance by virtue of their history and association with the industrial development of the area. It is recommended that a condition be added to any grant of planning permission for a Level 2 building survey to be carried out prior to demolition commencing.

**Highways and Transportation** – No objections raised, subject to conditions relating to details of design and construction of the proposed accesses, full engineering design and details of the site boundary fronting Corner House Street, off-street parking provision, design calculations of any retaining walls abutting the highway, discharge of surface water, construction method statement, use of HGVs during construction.

**Listed Building Officer** – The application site is located close to a Listed War Memorial, however, the Memorial is within its setting of the Memorial Park and it is not considered that the proposal would have an impact on either the Listed Building itself or its immediate or wider setting.

**Natural Resources Wales** – Significant concerns raised unless specified plans are included within the condition identifying approved plans and documents. Further condition recommended in relation to bat roost long-term maintenance and security plan.

**Public Health & Protection** – No objection, subject to standard conditions relating to hours of operation, noise, dust & waste. These issues are better dealt with under separate legislation and conditions to this effect are therefore not considered necessary. However, these issues can be brought to the applicant's attention via appropriate advisory notes.

**Wales & West Utilities** – Indicates that WWU have pipes in the area that may be affected by the proposal. The applicant is advised to contact WWU prior to works commencing on site (advisory note).

**Welsh Water** – The site will eventually drain to our Cynon Waste Water Treatment Works however, the application specifies the proposed surface water disposal will be via a soakaway. A standard condition and associated informative notes are therefore recommended.

**Western Power Distribution** – The applicant should be made aware that a separate application will need to be made to WPD if a new connection or service alteration is required (informative note).

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is located inside the defined settlement boundary and is not allocated for any specific purpose. The following policies are therefore considered to be relevant to this application:

**Policy CS1-** sets out criteria for development in the Northern Strategy Area with the emphasis being on building strong, sustainable communities.

**Policy AW 1** – outlines how the housing land requirement will be met, including the development of unallocated land within the defined settlement boundaries.

**Policy AW 2** – ensures that development proposals are only supported in sustainable locations.

**Policy AW 4** – details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

**Policy AW 5** – sets out criteria for appropriate amenity and accessibility on new development sites.

**Policy AW 6** – encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

**Policy AW8** – seeks to preserve and enhance the natural environment, including protected and priority species.

**Policy AW10** – sets out criteria for environmental protection and public health.

**Policy NSA10** – requires residential developments to provide a density of 30 dwellings per hectare.

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

**Policy NSA 15** – requires development of small industrial and business sites (Use Class B1, B2 & B8) for alternative uses to be assessed in accordance with Policy AW11.

### **Supplementary Planning Guidance**

Design and Placemaking  
Nature Conservation  
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.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

It is considered that the key considerations in the determination of this planning application will be whether the principle of residential development at the application site is acceptable in the first instance, and if so, whether the site is capable of accommodating the proposed dwellings, associated means of access/parking/turning facilities and sufficient amenity space without resulting in a detrimental impact upon the amenity and privacy of neighbouring properties; the character and appearance of the surrounding area; and highway safety in the vicinity of the site.

### **Principle of the proposed development**

The application site is located within the defined settlement boundary and within an area that is predominantly characterised by residential properties, although it is noted that there are a number of commercial properties in the locality. It has good access to key local services and amenities, such as school and shops, and is accessible by a range of sustainable modes of transport with bus stops being located in close proximity to the site. The surrounding area is also conducive to travel on foot and bicycle and the site is therefore considered to be situated within a sustainable location, as defined by Policy AW2 of the Rhondda Cynon Taf Local Development Plan. The proposed residential use of the site is also considered to be compatible with the predominantly residential character of the surrounding area and the application is therefore considered to comply with this policy.

The proposal is also considered to be in line with Policies AW1 and NSA12 which both seek to direct residential development to areas and sites within settlement boundaries, provided that it can be demonstrated that the development is accessible to local services by a range of sustainable transport, on foot or bicycle and provided that it does not adversely affect the highway network or provision of car parking in the surrounding area. As detailed above, the site is located in a sustainable location with

good access to key services and a range of sustainable transport options. It is also noted that the Council's Highways and Transportation section raise no objection to the proposal in terms of the impact of the proposal on highway safety and parking in the vicinity of the site (this issue is discussed in more detail later in this report).

In addition to the sustainability of the site, the proposal would also need to comply with Policy NSA10 which requires proposal for residential development to have a net residential density of at least 30 dwellings per hectare. With a total of 5 dwellings proposed on a site measuring 0.14ha, the proposed net density generated by the proposal is approximately 35 dwellings per hectare. The application therefore complies with Policy NSA10.

The current use of the site is B1 and it is therefore considered to be a small business site. Policy NSA15 requires proposals for the development of small business sites (Use Classes B1, B2 & B8) for alternative uses to be in accordance with Policy AW11 however, this need not be applied if there is an overriding reason that would outweigh the loss of a small business site, i.e. the continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or where access to the site does not meet an acceptable safety standard.

In the case of this application, the site is located at the junction between Merthyr Road and Corner House Street with the existing building being situated immediately adjacent to the north-western (Merthyr Road) and north-eastern (Corner House Street) boundaries. This causes visibility issues when exiting Corner House Street onto Merthyr Road and this, along with the lack of pedestrian footpath provision on the development side of Corner House Street, raise significant cause for concern in terms of highway safety. This concern is intensified by the fact that both Merthyr Road and Corner House Street and the connecting junction are well-used (and often at high speeds) with traffic traveling from the A465 Heads of the Valleys road to Aberdare and due to the location of Llwydcoed Primary School at the end of Corner House Street.

The proposal would result in the demolition of the existing building and the plans indicate that the site boundary would be set back to provide an improved vision splay at the junction and a 2.0m pedestrian footway along Corner House Street. This would inevitably result in an improvement to what is clearly a sub-standard and well-used junction and, given that no objection has been raised by the Council's Highways and Transportation section in this regard, it is therefore considered that the application would comply with Policy NSA15.

Taking the above into consideration, the principle of the proposal is acceptable, subject to consideration of other relevant material planning considerations, as discussed below.

## **Impact on the character and appearance of the area**

The application is made in outline with all matters being reserved for future consideration. As such, no details are required to be submitted with regards to the overall design of the proposal however, the application is accompanied by an indicative site layout plan which indicates how the site may be developed.

The plans indicate that three dwellings would face towards Merthyr Road with the remaining two dwellings facing towards Corner House Street. Each dwelling would incorporate parking to the front and private amenity space to the rear. The plans successfully demonstrate that the site is capable of accommodating the number of dwellings proposed, as well as adequate space for off-street car parking and private amenity space, without resulting in overdevelopment of the plot or impacting upon the character and appearance of the site or the surrounding area.

It is noted that there is no specific pattern of development visible in the area with properties varying in terms of their siting within their respective plots, scale and design. However, the majority of properties in the locality benefit from either off-street parking or private amenity space to their front elevation and private amenity space to the rear and, as such, there would be no objection to arranging the site in the manner suggested in the indicative site layout plan.

In terms of the scale of the proposed dwellings, the minimum and maximum dimensions provided are considered to be acceptable within a site of this size and it is not considered that any resulting dwelling would be out of keeping with the scale of existing residential properties in the vicinity of the site.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and the surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

## **Impact on residential amenity and privacy**

As detailed above, the application is made in outline with all matters reserved for future consideration. However, it is considered that the site could be developed in such a way that any resulting dwellings would have a limited impact upon the amenity and privacy of existing residential properties.

It is noted that a number of objections have been received in relation to the proposal in this regard with the primary concerns being the potential loss of light to nos 1 – 4 Corner House Street and the potential loss of privacy. The plans indicate that the existing building, which is located right on the boundary at Corner House Street, would be demolished with the proposed dwellings being set in off the boundary by 2 metres (plot 3), 10.7 metres (plot 4) and 9.1 metres (plot 5). It is also noted that the existing building extends along the boundary by a considerably greater amount than what plot

3 would. Whilst the dwellings may result in some overshadowing/loss of light to no's. 1 & 2 Corner House Street, this would not be any greater than that experienced as a result of the existing building. In any case, it is considered that by setting the dwellings in off the boundary, the resulting impact of the proposed dwellings would be slightly reduced in terms of any overshadowing impact in comparison to the current situation. Plots 4 & 5 would be set in even further from the boundary and would have a significantly reduced impact in this regard.

The application does not include any details of window layouts and it is therefore difficult to determine the actual impact of overlooking at this stage. However, it is considered that an acceptable scheme could be brought forward at reserved matters stage to have a limited impact in terms of overlooking. It is noted that, should the site be laid out as detailed in the indicative site layout plan, plots 4 & 5 would directly face towards no's. 4 & 5 Corner House Street. However, an acceptable separation distance could be achieved between habitable windows which would be sufficient to not raise significant cause for concern, particularly given that there are similar relationships between existing properties further along Corner House Street. It is noted that no. 6 Corner House Street currently has a relatively private rear garden area and that the location of plot 5, adjacent to the side boundary of this property, would introduce some overlooking towards the rear garden. Whilst the concerns raised by the neighbour in this regard are appreciated, the views from the rear windows of plot 5 would be oblique rather than direct and the impact would be no greater than the mutual overlooking that already occurs between other existing residential properties in the locality.

The proposed bat roost building at the rear of Plot 5 is also considered to be of a limited scale and would not give rise to significant levels of overshadowing or result in any loss of outlook to no. 6 Corner House Street.

Furthermore, it is not considered that the amenity and privacy of any future occupiers of the proposed dwellings would be adversely affected.

In light of the above, it is considered that the site could be developed in such a way to have a limited and acceptable impact upon the amenity and privacy of existing and future residents and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

The application has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway and pedestrian safety in the vicinity of the site. Whilst a number of objections have been received from local residents in this regard, no objection has been received by the highways officer. The comments received are summarised as follows:

## *Access*

Merthyr Road fronting the site has a carriageway width of 6.8 metres with 1.8 metre footways and is acceptable for safe vehicular and pedestrian movement.

Corner House Street, which is located to the north-east of the application site, is sub-standard in terms of junction radii and vision splays. It is also lacking in width and has no continuous footway links, which raises cause for concern. The indicative plan shows the site boundary set back to provide for a 5.5m junction radii, 2.4m x 40m vision splay from Corner House Street and a 2.0m footway which would go some way to overcome the highway and pedestrian concerns raised in relation to the current situation. At present, Corner House Street has a pinch point which narrows the available width to 4.1 metres, which raises further cause for concern however, a condition is recommended to ensure the site boundary fronting Corner House Street is set back to provide a carriageway widened to 4.8 metres with a 2.0m footway. This would maintain a satisfactory width for a HGV and a car to pass one-another.

## *Parking*

The application does not include any details to confirm the number of bedrooms within each dwelling however, given their scale, it is assumed that they are in excess of 3 bedrooms, which required up-to a maximum of 3 spaces in accordance with the SPG: Access, Circulation and Parking. A condition requiring off-street parking in accordance with the SPG is therefore recommended.

In light of the comments received from the Highways and Transportation section, it is considered that the proposal would provide an improvement to the current situation and, subsequently, would not have an adverse impact upon highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **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.

## **Drainage**

Comments received from the Council's Flood Risk Management team indicate that the proposal would result in the demolition of the existing building and the subsequent construction of 5 no residential dwellings. The site is currently a hard standing area and is therefore considered to be a brownfield site.

It is noted that there is a high surface water flood risk conveying along the Merthyr Road highway (NE-SW in flow direction) and with the provision of 3 dwellings with

access off Merthyr Road, it is considered that the topographical arrangements of the accesses could create re-routing of the flood water and subsequently impact the proposed development. As such, a condition is recommended 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 terms of surface water drainage, the proposed development is greater than 100m<sup>2</sup> and the applicant would be required to gain separate Sustainable Drainage (SuDs) Approval under Schedule 3 of the Flood and Water Management Act 2010. This should be added as an advisory note, should the application be approved, to bring this requirement to the applicant's attention.

In light of the comments received from the Flood Risk Management team, it is considered that the proposal could be carried out to have a little or no impact upon land drainage and the application would therefore comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

## **Ecology**

The application is accompanied by a Bat Survey (dated June 2020), which identifies that a brown long eared bat roost has been found in buildings 1 & 3. The report recommends that a new replacement long-eared bat roost is required and that the new roost will need to be a large roof/loft space, with exit points into 'dark' adjacent habitat. Amended plans were submitted during the course of the application to include a bat house at the rear of plot 5.

The Council's Ecologist raises no objection to the proposal and recommends that a condition is attached to any grant of planning permission to ensure that the details are adhered to, as detailed in the plans. It is also recommended that a S106 agreement is sought to ensure the long-term maintenance and management of the proposed bat house. Natural Resources Wales have also recommended the use of conditions to secure the above however, it is considered that the long-term maintenance and management of the bat roost is better dealt with via a S106 agreement and so a condition to this effect has not been included. Natural Resources Wales recommend the use of a further condition to secure a lighting plan to ensure that the roost and routes to and from the roost are kept dark and available for bat use.

It is also noted that an European Protected Bat License will be required (advisory note).

As detailed above, the proposal is considered to be acceptable in terms of the impact it would have on protected species and the application would therefore comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

## **Other issues raised by objectors**

The following seeks to address some concerns raised by local residents that are not material planning considerations:

One letter of objection raises concern with regards to the boundary wall between no. 6 Corner House Street and the proposed dwellings. The reasons for this concern have not been clarified however, the plans indicate that the existing masonry wall is to be retained. Any damage done to the wall during construction/after completion would be a private matter to be resolved between the two parties involved.

One letter of objection states that the plans submitted with the application are unspecific. As an outline application, specific details are not required to be submitted.

It is acknowledged that the works would cause some degree of noise and disturbance and dust and mess. This would only be experienced during the demolition/construction process and would not be a long-term impact. Furthermore, it is considered that the safety issues raised by one objector in relation to the demolition process can be suitably addressed by cordoning off the site and carrying out the works in a sympathetic and sensible manner, as secured by the condition requiring the submission of a Construction Method Plan recommended by the Council's Highways and Transportation Section.

One letter of objection points out that some residents on Merthyr Road did not receive a notification letter informing them of the planning application. As identified in the *Publicity* section of this report, consultation has been undertaken by direct neighbour notification and through the erection of a number of site notices in the vicinity of the site. It should be noted that only properties that share a boundary with or are located immediately opposite the site are required to be directly notified and site notices are considered to be an acceptable form of advertisement for those that are in the vicinity of the site but not directly adjacent/opposite.

It is acknowledged that the Old School building is an attractive building which holds some architectural merit and historical importance within the community. However, the building is not Listed and has clearly undergone some modification through the construction of additional buildings and internal works. Whilst residents may wish to see the building re-purposed for community use, the Council can only consider the details put forward in this application. It is considered that a condition, as recommended by Glamorgan Gwent Archaeological Trust, is necessary in order to preserve the schools 19<sup>th</sup> Century buildings by record.

Other issues have been raised in relation to highways, including the need for a full traffic risk assessment of the area needs to be performed; the implementation of double white lines to limit parking; and the necessity to install a pedestrian crossing. As noted in the *Access and highway safety* section of this report, no objection has been raised by the Council's Highways and Transportation section and a traffic risk

assessment is not required. Furthermore, no conditions have been recommended in relation to any additional traffic calming/parking requirements. Furthermore, it is outside of the parameters of the planning process to restrict the number of vehicles per household.

### **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 future 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. Therefore, no CIL will be payable.

### **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:

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.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. 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**

The developer will be required to enter into a S106 agreement to ensure the long-term maintenance and management of the proposed bat house, which would be located within the rear garden area of plot 5. The details to be secured should include the long-term maintenance and security provisions for the bat house as well as details of how it will be ensured in perpetuity that it will be kept in a suitable condition for bat use at all times. It will also need to be made clear who will be responsible for implementing and funding any necessary repairs and maintenance.

## **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development and the impact it would have upon the character and appearance of the site and surrounding area, the amenity and privacy of existing and future residents and highway safety in the vicinity of the site.

## **RECOMMENDATION: Grant**

1. (a) 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.  
  
(b) Any applications for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission  
  
(c) 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 Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.
  - Drawing No. 2699 NB rev A: Proposed residential development (rec. 12/08/2020) ;

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

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 otherwise agreed in writing by the Local Planning Authority.

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. 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 use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will 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.

6. Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining

buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the submitted layout plan, the design and construction details of the proposed access off Merthyr Road to ensure all vehicles access / egress in forward gear shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

8. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the site boundary fronting Corner House Street set back to provide 4.8m carriageway, 2.0m footway, vision splay of 2.4m x 40m and junction radii together with sections 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 prior to beneficial occupation.

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

9. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans no works shall commence on site until details and design calculations of any retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

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

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

- a) the means of access into the site for all construction traffic,

- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

12. HGV's used during construction shall be restricted to 09:30am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

13. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

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.

14. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings identifying the areas that will be maintained as dark corridors and areas for the benefit of bats and bat use of the bat roost•
- Drawings setting out light spillage in key sensitive areas, or sufficient other evidence to demonstrate that that external lighting will not adversely affect bat use of the bat roost.

The lighting shall be installed and retained in perpetuity, as approved.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

15. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: The building is of architectural and cultural significance and the specified records are required to mitigate impact, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.