

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
19 JUNE 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 7
APPLICATION NO: 13/1004 PROPOSED RESIDENTIAL DEVELOPMENT. LOCAL CENTRE, CAR PARKING & ACCESS BRYNCAE INDUSTRIAL ESTATE, BRIDGEND ROAD, LLANHARAN	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination the application as outlined in the report

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the conditions and recommendations set out in earlier reports and associated appendices.

3. BACKGROUND

This application was originally reported for the consideration of Members at the meeting of the Development Control Committee held on 6th March 2014. At that meeting Members resolved to undertake a site visit prior to determining the application. The site meeting took place on 17th March 2014 and the matter was reported back for the consideration of Members on 3rd April 2014. At that meeting Members deferred determination of the application until a later date to allow proper consideration of 88 late letters objecting to the application and a petition containing over 1000 signatures opposing the proposed development that had been submitted that afternoon. Members also requested to be further informed with regard to ecological mitigation through the use of further planning conditions. The matter was then subsequently the subject of a further report to Members at the meeting held on 1st May 2014 where members resolved to refuse the application, contrary to the advice of officers. In accordance with adopted protocol this report now reflects the strengths and weaknesses in making a decision contrary to recommendation, (the earlier reports form **APPENDICES, A, B & C** to this report).

The minutes of the report of 1st May 2014 indicate that Members have two areas of concern in arriving at a view that this application should be refused, namely:—

1. The proposed development with the combined housing and retail elements would significantly increase traffic movements to the detriment of highway safety for both motorists and pedestrians, and
2. The proposed development, in particular the retail element, is contrary to the Local Development Plan adopted in 2011 as it would have a detrimental effect on the viability of the new village centre proposed for the area.

In terms of the highway impacts of the proposal the greatest technical weakness is perhaps that the application is supported by a Transport Statement that demonstrates that the site is capable of accommodating the proposed development, (albeit subject to improvements being implemented to the highway network, and particularly the mini roundabout access junction from the main road to the site itself). Given these facts it would be difficult for the Highway Officers to bring forward a technical argument that opposes the development.

In terms of making a robust defence of Committee's decision there is considered to be little strength in highway related arguments, though if Members remain of a mind to reject the proposed development highway related arguments would probably stand the greatest chance of success if they are concentrated around the relationship of the proposed retail development with the main road and the proposed residential development. Though the areas of the site to be developed for retail and residential development are clearly defined and distinct from each other the proposed configuration of roads and junctions has resulted in a proliferation of these features close to the main road, alongside a shared delivery and parking area adjacent to the proposed shops. This, it could be argued, has resulted in the provision of a delivery area that cannot cater for articulated delivery lorries, along with the suggestion of a condition to limit vehicle size that could prove difficult to enforce. Combined with limited parking for customers it has the capacity to lead to vehicular conflict within the site and on street parking on the main road and in adjacent streets, which has the potential to lead to vehicular and pedestrian conflict to the detriment of highway safety.

Turning to the issue of the potential impacts on the village centre proposed for the Llanilid site, as the application site is only about 800m from the approved Parc Llanilid centre, and the application is for units that could be accommodated in the approved centre, implementation of the application might make it more difficult to secure occupants for the proposed centre. As the Parc Llanilid centre is approved as part of a larger scheme to implement a strategic site in the Council's adopted LDP, implementation of the application could undermine the implementation of a development that is strategically important to Rhondda Cynon Taf particularly in terms of the need to deliver housing that is properly supported by the amenities and infrastructure that a site of that size would require.

This though has to be balanced against the weaknesses of taking such an approach on this issue. The retail floorspace in the application, 572 sq m, is only 19% of the 3,000 sq m net retail floorspace in the approved centre, which is only one element of the approved uses in the centre, so that the centre could still be viable with 19% less retail floorspace. Additionally, implementation of the centre at Llanilid still awaits the signing of a Section 106 agreement and approval of reserved matters, and forms part of Phase 2 of the Parc Llanilid development, so it will be several years before it is implemented, by which time it is possible that the growth of population and associated growth in convenience retail expenditure in the area would support the approved centre as well as the application proposals.

Members are also advised that since this matter was last reported a further objection to the proposed development has been received expressing concern that the development would be 100% social housing and encouraging a mix of tenures for the site, increase in traffic volumes and the loss of a rural feel to the area. These issues have been adequately addressed in earlier reports.

In light of the above officer advice would remain, on balance that the planning application should be approved in accordance with earlier recommendations. If however, members are minded to refuse the proposed development it is considered the following reasons for refusal reflect the concerns expressed by Members.

1. The proposed access and general highway arrangement would result in a development that would result in vehicular and pedestrian conflict to the detriment of highway safety contrary to the requirements of policy AW5.2.(c) of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development would undermine proposals for the development of a local centre at the former OCCS site Llanilid, Llanharan contrary to the objectives of policy SSA9 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX A

APPLICATION NO: 13/1004/10 (GD)
APPLICANT: Rhondda Housing Association
DEVELOPMENT: Proposed residential development, new local centre, car parking and access
LOCATION: BRYNCAE INDUSTRIAL ESTATE, BRIDGEND ROAD, LLANHARAN, PONTYCLUN, CF72 9RP
DATE REGISTERED: 16/10/2013
ELECTORAL DIVISION: Brynna

RECOMMENDATION: That subject to conditions and the developer entering into a Section 106 agreement that planning permission be granted.

REASONS:

The proposed development would remove dereliction and deliver much needed social housing and new shopping facilities in an area of high demand.

APPLICATION DETAILS

This is an application for full planning permission for the demolition of the existing buildings on site and their replacement with 33 affordable homes and a new local centre comprising three retail units (2 use class A1 and one use class A3). The proposal will also provide a new access from Bridgend Road to the site and the appropriate levels of car parking.

The housing will comprise:–

- 4no. three bedroom two storey houses.
- 2no. two bedroom two storey houses.
- 1no. three bedroom adapted bungalow.
- 8no. two bedroom bungalows.

Additionally there will be four apartment blocks on the site providing the following accommodation:–

- Apartment block 1 - 7no. one bedroom flats (7th flat on 2nd floor)
- Apartment block 2 - 7no. one bedroom flats (7th flat on 2nd floor)
- Apartment block 3 – 1no. one bedroom flat & 1no. two bedroom flat
- Apartment block 4 – 2no. two bedroom flats.

The local centre will front on to Bridgend Road and will comprise a single storey convenience store with a floor area of 375 sq m., together with 2 smaller retail units designed to accommodate a small bakery, floor area 111 sq m. and a take away restaurant floor area 86 sq m. (both units single storey construction). The local centre is served with a separate parking facility with

21 parking spaces (including two disabled bays) and cycle parking provision. The retail units will be serviced from dedicated loading areas which provide appropriate turning facilities for vehicles servicing the intended shops. The parking and servicing area serving the shops will have its own independent access from the proposed site service road.

The residential element of the development will be finished in a combination of Sahara Stone panelling and rendered blockwork throughout with a fibre cement slate to the roofs. The exception will be on the larger apartment units the appearance of which will be supplemented by the use of weatherboards on the central three storey core. Further detail will also be provided by the use of a Staffordshire Blue bricks to form door and window reveals, cills and lintels. The windows for the residential element of the proposal would be in uPVC while the shop units would benefit from the same combination of external wall finishes, larger powder coated aluminium window frames and shallow mono-pitch roofs.

Access to the site will be derived via an improved existing access from Bridgend road forming a fourth arm from the existing mini roundabout from Bridgend Road opposite Ffordd Dol Y Coed. The access road will project 70m. into the site at right angles to Bridgend Road forming a double hammerhead at its northern end and will have a series of private drives off it serving the wider development. The exception to this will be the 4 three bedroom houses which front Duffryn Crescent which will have direct access on to that road. All properties will have off street parking provision which in most cases will be to the side of the building it is intended to serve. The exception to this will be a parking courtyard located centrally on the northern boundary of the site which will serve apartment blocks 1 & 2 and the three bedroom adapted bungalow. Pedestrian access into the site will also follow the routes described above.

The planning application forms, certificates and plans are also accompanied by the following documents –

- Planning and retail statement.
- Transport statement.
- An extended phase 1 habitat survey (ecology report).
- A preliminary site investigation.
- A local flood risk assessment.
- A drainage philosophy statement,
- A demolition method statement, and;
- A noise impact assessment.

SITE APPRAISAL

The application site is formed by the western part of the Bryncae Industrial Estate and an area of open ground with frontage on to Duffryn Crescent. This gives the site an angular overall shape around a central rectangular core. In total the site comprises some 1,14 hectares of land located to the north of Bridgend Road in the centre of Bryncae which is approximately three quarters

of a mile (1.2km) west of the centre of Llanharan. The application site other than the element that fronts on to Duffryn Crescent, comprises industrial land and buildings which appear under used and run down surrounded almost entirely by residential development.

The industrial estate element of the site is relatively flat and sits at a slightly lower level than Bridgend Road. The existing access and circulation roads on the estate indicate that there is a very shallow fall in a northerly direction towards the newer housing on the Barratt's estate to the rear of this site. The part of the site that has frontage on to Duffryn Crescent sits at a higher level than the rest of the application site occupying the crest of a hill before that street falls in a north westerly direction. Access to the main part of the site already exists as does that to the Duffryn Crescent element of the site.

PLANNING HISTORY

The site has an extensive planning history most of which relates to the business operations that have operated from the site over the years. The following applications are considered the most relevant in the consideration of the current application.

07/1925	Bryncae Industrial Estate	Demolition of existing buildings, residential development, new access road & associated works	Approved 21/08/08
06/0174	Land at Duffryn Crescent	Residential development (max 5 houses)	Approved 12/05/06
05/1795	Land at Duffryn Crescent	Residential Development	Refused 19/12/05
04/0246	Bryncae Industrial Estate	44 no. residential semi detached and detached houses, garages, roads drainage and associated works	Approved 20/01/05
03/0407	Land at Duffryn Crescent	20 x 2 person 1 bedroom flats	Withdrawn 14/07/08
95/0328	Bryncae Industrial Estate	Residential Development	Approved 01/08/95
91/0137	Land at Duffryn Crescent	24no. 1 bedroom flats	Refused 25/09/91
90/0635	Land at Duffryn Crescent	Residential Development	Approved 01/11/90

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters. To date four letters of objection have been submitted raising the following issues: –

- There is objection in principle to the proposed development.
- There is no mention of the site being developed for retail purposes in the Local Development Plan up to 2021.
- The development of this site could mean that the balance of the site could then come forward for further retail development.
- The boundaries to the adjacent property (The Sycamore Tree) are of concern to the neighbour and they would welcome the opportunity to discuss this with the developer should consent be granted.
- The owners of the adjacent shop have prepared a scheme for the improvement of their own facility and when this is complete there will be no need for further retail development in the area.
- The erection of housing association property to the rear of the private housing estate will leave established residents feeling threatened and vulnerable .
- The proposed development would exacerbate traffic congestion in the area.

CONSULTATION

Transportation Section – raise no objection to the proposed development subject to conditions.

Land Reclamation & Engineering Manager – no objections subject to conditions.

Public Health & Protection – raise no objection subject to conditions.

Education & Children's Services – raise no objection to the proposal and on this occasion indicate that given the nature of the proposed development there is no requirement for Section 106 contributions towards education.

Housing Strategy – this 100% social rented scheme has been designed by Rhondda Housing Association in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Llanharan. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2012 and this proposal therefore satisfies policy.

Natural Resources Wales – raise no objections to the proposals subject to conditions.

Dwr Cymru/Welsh Water – have belatedly raised objection to the proposed development expressing concern relating to the capacity of existing systems to cope with a new cycle of development.

Western Power Distribution – no response received within the statutory consultation period.

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

South Wales Fire & Rescue Service – no response received within the statutory consultation period.

Glamorgan Gwent Archaeological Trust – as archaeological advisers to your Members, we have no objection to the positive determination of the application.

Countryside Section – raise no objection to the loss of trees on site and advise that appropriate conditioning will be required in respect of new planting. They also reveal that there are no records of statutory protected species in the immediate vicinity of the site and it is recommended that a bat advisory note be attached to any consent that might be issued.

South Wales Police – have no objection to the proposed development and are happy that the developers have incorporated secured by design principles into their proposals.

POLICY CONTEXT

The Rhondda Cynon Taf Local Development Plan 2006 – 2021

Policy CS2 - promotes sustainable growth in the southern strategy area.

Policy CS4 - defines housing land requirements.

Policy CS5 - requires the provision of affordable housing.

Policy AW1 - defines the housing land supply to be met partly by the development of unallocated land in key settlements.

Policy AW2 - promotes development in sustainable locations.

Policy AW4 - lists community infrastructure and planning obligation contributions which might be sought in relation to new developments.

Policy AW5 - sets a series of criteria around amenity and accessibility that new development is expected to meet.

Policy AW6 - lists design and placemaking criteria that new development should meet where relevant.

Policy AW8 - requires that development should not have an unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 - aims to prevent unacceptable harm to health and amenity from, amongst other things noise and contamination.

Policy AW11 - aims to protect existing employment land.

Policy SSA11 - seeks a minimum housing density of 35 dwellings per hectare

Policy SSA12 - requires the provision of 20% affordable housing in respect of proposals for 5 or more dwellings.

Policy SSA13 - sets criteria for housing developments within settlement boundaries.

National Guidance

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

Planning Policy Wales

Chapter 3 (Making and Enforcing Planning Decisions),
Chapter 4 (Planning for Sustainability),
Chapter 7 (Economic Development),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 10 (Planning for Retail and Town Centres),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 4: Retailing and Town Centres;
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;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning & 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.

In the determination of this particular case, the planning policy position, amenity considerations, environmental considerations, highway considerations and the retail impact of the proposal are considered the key determining factors, and these matters are dealt with in turn below as the main issues impacting on the determination of this case.

Main Issues

The planning policy position

The site is sustainably located within a defined key settlement with a primary school, local shops (existing and proposed – see below), recreation facilities and good access to non car related connections to employment areas and facilities in Talbot Green, Bridgend and Cardiff as well as the employment facilities that Llanharan itself holds. As such the proposal can be considered compliant with the requirements of policies CS2, AW2 and SSA 13. Additionally the fact that the proposed development will also deliver affordable housing supports the requirements and objectives of policies CS4, CS5, AW1 and SSA12. In addition to all of this the proposal provides development at a density that satisfies the threshold set down in policy SSA11 (providing a density of 42 dwellings per hectare); and the fact that the housing to be provided is 100% affordable more than satisfies the requirements of policy SSA12.

As a result of earlier consents for the residential development of the wider site the site had already been included in the five year housing land supply however the 2008 consent that this related to expired in 2013 and last year the supply was in shortfall. A new consent would therefore make a useful contribution to addressing the shortfall in accordance with the requirements of Policy AW1 and wider Welsh Government requirements and obligations.

A further policy consideration is that the redevelopment of this site would lead to the loss of established employment land. However the site has a history of consents for residential development being justified on the basis that the site has a very poor appearance with a piecemeal arrangement of largely vacant units and that other better located new employment opportunities would emerge elsewhere in Llanharan. It remains the case that greater regenerational benefits for the wider community lie in the provision of employment land elsewhere and the removal of this eyesore. As such, it is considered that clause 3 of policy AW11 is relevant in this case as the redevelopment of this unsightly underused or vacant land for the use proposed would have significant regeneration benefits, to the point where in this case it overrides the policy requirement of 12 months marketing also required by the policy. In any event, there is also considerable provision of employment land of a better quality in the wider area on established employment sites and in new allocations such as that at Mwyndy

Amenity considerations

The redevelopment of what is currently an underused and partially derelict industrial site for residential and retail purposes will inevitably lead to an uplift in the amenity standards of the wider area. Within the site, though the proposal would be developed at a relatively high density, the proposal maintains adequate privacy standards within itself. In terms of its relationship with residential property outside of the site, greater distances are maintained which reflect the norms in the area. Both the residential and retail elements of the proposed development will be completed in a suitable palette of materials that are broadly reflective of the wider locality in terms of their usage. As such it is reasonable to conclude that the scale form and design of the proposed development would have no unacceptable impact on the character and appearance of the site or the surrounding area, or the amenities of

neighbouring occupiers. Furthermore, the relatively high density of development also affords a degree of natural surveillance within the site that reduces any opportunity for crime or anti social behaviour.

The layout and positioning of the shops and their associated car parking area are dictated largely by the operational needs of particular end users and this has resulted in an arrangement that to some extent does not relate well to the frontage along Bridgend Road or where these units turn the corner into the development site itself. The principal concern in this regard is that there is no public access to any of the units from Bridgend Road itself as it is located to the rear, leaving a relatively inactive frontage on this principal elevation. However, this particular shortcoming needs to be balanced against the fact that these properties have frontage on to Bridgend Road and the creation of an access on that frontage would in all likelihood encourage indiscriminate parking which the Transportation Section would want to resist. There is also a clear distinction between the residential and retail elements of the proposal in their location and in how they make use of the land, this is a product of their intended use. While greater permeability would be desirable in the retail element of the proposed development, the design standards are acceptable and respect local context and the quality of the proposed built form is adequate.

Environmental considerations that can affect amenity are considered in greater detail below, however, insofar as the issues addressed above are concerned the proposed development is considered acceptable and compliant with the requirements of policies AW5 and AW6.

Environmental considerations

This proposal does not involve the redevelopment of the whole of the industrial estate and a heavy engineering firm (Humphreys) will remain immediately adjacent to the proposed development. This is the kind of awkward relationship that policy at the local and national level cautions against. However, in support of the application a noise assessment has been provided and the Council's Public Health & Protection Division have not raised noise as an issue in this case. Additionally Members should also note that the engineering firm referred to has equal proximity to established residential development at Witts End and Colliers Avenue and has not been a source of concern to these properties.

The application is also accompanied by a preliminary site investigation report that deals with the contamination issue. The Public Health and Protection Section have considered the content of the report and have concluded that contamination at the site such as it is, does not function as a bar to development and can be dealt with. However a need for further site investigation is identified and should Members be of a mind to support the current application then suitable conditions are recommended to this effect.

The above represent the only concerns in terms of the potential impacts on human health and the environment that arise out of the current application

and as such it is clearly demonstrated that the proposal meets the requirements set down in policy AW10 and is considered compliant.

However there is also a requirement to consider the impact of the development itself on the broader environment. To this end the application was originally accompanied by an Extended Phase 1 Habitat Survey which identified a need for further survey works in respect of bats. The survey work was subsequently undertaken and was subject to consultation with the Council's ecologist and Natural Resources Wales and as long as demolition works in particular are undertaken in accordance with the recommendations of the later survey work then the proposals would prove satisfactory. As such the application is considered compliant with Local Development Plan policy AW8, particularly as use by bats was the only issue of ecological importance that the survey work raised.

The proposed development would have no impact of the street trees that lie outside of the development site.

The application is also accompanied by a local flood risk assessment and drainage methodology. With regard to flooding the site lies well outside of any designated flood areas and members should note that Natural Resources Wales have not raised this issue. Turning to the issue of drainage, Dwr Cymru Welsh Water have raised some concerns regarding the capacity of the existing system to cope with the proposed development and have belatedly raised holding objection to the proposal. However, the applicants point out that at present both foul and surface water drainage feed into the existing system and that they intend to remove storm water from the drainage system if the site is redeveloped and there will be further improvement in that not as much of the site will remain impervious on redevelopment. While this matter may present some medium term issues for the developer, it is a matter that can be adequately addressed through the use of a pre commencement condition requiring a drainage solution to be agreed between Dwr Cymru Welsh Water and the developer.

Highway considerations

On this issue, Members should first note that the proposed development, after a great deal of negotiation between the developer and highway officers will have a safe and suitable access on to Bridgend Road through modifications to the existing arm that feeds into the site from the adjacent mini roundabout. The roads within the development are all designed to adoptable standards other than where the intention is to have properties serviced from private drives. Each residential property will be provided with off street parking space commensurate with its needs either in the form of a private drive adjacent to the property or in communal parking areas. The retail shops will be provided with their own dedicated parking areas away from the residential elements of the proposed development and the larger A1 retail unit will also have its own service bay. In addition to the above, the site is located within the Llanharan/Bryncae area at a point close to a bus stop on Bridgend Road and within reasonable walking distance of the Llanharan Railway Station, and as such it enjoys good accessibility to more sustainable forms of transport and

would certainly not be entirely car dependent as a development. There is no evidence whatsoever to suggest that the development of this site would exacerbate traffic congestion in the area as some residents have suggested, indeed the replacement of commercial/industrial development with retail/residential development might well improve the situation

Retail impact considerations

The proposed retail centre comprises two retail units totalling 486 sq m. floorspace and one hot food unit of 86 sq m. the shops would be located over 1km from the retail centre of Llanharan and approximately 800m away from the proposed Parc Llanhilid centre. The Local Development Plan does not recognise the established shops opposite the site as a retail centre. The proposal seeks consent for neighbourhood scale retail provision that would fall well below the threshold for formal retail impact assessment. In this case the small scale A1 and A3 uses proposed are not considered a threat to the existing centre at Llanharan or the proposed Parc Llanhilid proposals given the distances involved and the shops opposite could potentially benefit from the additional attraction of shoppers to this location that the development might bring. Members will note the references made to the lack of any allocation on this site for retailing in the Local Development Plan raised by objectors, however, the lack of a specific allocation does not prevent this type of development should the proposals prove compliant with other policy considerations.

Other matters

The following considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Firstly the suggestion that allowing retail development on part of this site could lead to further retail development on the balance of the industrial land is misplaced, as should that particular eventuality occur it would be considered on its merits against the policy requirements at that time.

While the boundaries of the site with the adjacent property are clearly of concern to the owner of that property these remain a private issue between respective land owners in this context. In any event the precise details of boundary treatments will be the subject of agreement under conditions should Members support the current proposal.

The fear of feeling threatened or vulnerable as a result of new development taking place is a legitimate planning consideration be it real or perceived. However in this case, no evidence is offered to suggest that this would prove to be the case or that there would be any difference in this factor between the development of private and social housing. As such little or no weight should be given to this concern in this particular instance.

Members should also be aware that the delivery of this proposal, should it gain consent, is dependent upon the retail element of the development cross

subsidizing the provision of much needed social housing and the housing cannot be delivered without the retail provision proposed.

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.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's Strategic Planning Guidance 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

As the development in this instance is for 100% social housing it does not raise a requirement in respect of transport tariff. There is also adequate capacity in local schools to accommodate the limited number of children that this development might generate. There is also a requirement to consider the need for outdoor recreational facilities, however in this instance the applicants are providing an appropriate amount of public open space on site that they will manage and maintain. Given the exemptions to transport tariff and educational contributions and the decision on the part of the applicant to retain and maintain open space on site, there is a need to tie any consent into remaining affordable housing. As such it is recommended that the developer be invited to enter into a Section 106 agreement covering the following heads of terms: –

1. A legal agreement to ensure that the development approved remains affordable housing in perpetuity, and;
2. The developer meeting the Council's reasonable costs in preparing the legal agreement.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the redevelopment of brownfield land within defined settlement limits and would bring a new cycle of development to what is in essence an underused and derelict site. Additionally the proposed development will also deliver new affordable housing of a type that is much in demand in an area of housing need, which planning policy also favours. As such support for the proposal is given.

RECOMMENDATION: Grant

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. No development shall commence except for works of demolition and site clearance until a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The A3 use hereby permitted shall not commence retailing until details of the type and location of litter bins to be provided have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with that approval. The litter bins shall be maintained thereafter as approved.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. 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.

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 buildings are occupied. 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.

6. 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.

7. No development shall commence except for works of demolition and site clearance until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

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

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

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

Reason: In the interest of health and safety and environmental amenity and

so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

10. Construction works on the development shall not take place other than during the following times:
- (i) Monday to Friday 0800 to 1800 hours
 - (ii) Saturday 0800 to 1300 hours
 - (iii) Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development whatsoever shall take place, other than works of demolition and site clearance, 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.

12. No dwelling or retail unit hereby approved shall be occupied until the drainage works have been completed in accordance with the plans and other details to be approved under condition 11 above have been built.

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

13. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

14. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

15. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

16. No works shall commence on site, other than works of demolition and site clearance, until full engineering design and details of the improvements to the site access off the A473 Bridgend Road as shown on Drawing No. AC01 Rev. A (received on 05/02/2014) that incorporates the provision of extended footways together with uncontrolled pedestrian crossing facilities including the relevant Road Safety Audits and designer's response have been submitted to and approved in writing by the Local Planning Authority. These proposals shall be in accordance with the current highway design requirements and be implemented prior to beneficial occupation of any dwelling or retail units.

Reason: In the interests of highway and pedestrian safety.

17. Notwithstanding the approved plans, infrastructure work, other than works of demolition and site clearance, shall not commence until full engineering design and details of the internal road layout including sections, street lighting, highway structures, turning facilities, footways, link footpaths, and associated works together with surface-water drainage 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 the adequacy of the proposed development, in the interests of the safety of all highway users.

18. Notwithstanding the submitted plans, the private shared accesses including turning facilities for Roads B, C and D and serving Retail Units 1 – 3 shall be laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the safety of all highway users.

19. No articulated delivery lorries exceeding 10.7m in length shall serve the retail development at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of all highway users.

20. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety.

21. No works whatsoever shall commence on site, except for works of demolition and site clearance, until design calculations duly certified by a professional engineer and constructional details of any retaining wall abutting the highway have been submitted to and approved in writing by the Local Planning Authority. Any retaining wall abutting the highway shall be constructed to the approved details prior to the development being brought into beneficial use.

Reason: For the safety of highway users.

22. No development shall commence except for works of demolition and site clearance, until details providing for the creation of vehicular crossovers along Duffryn Crescent have been submitted to and approved in writing by the Local Planning Authority. The crossovers shall be constructed in accordance with the approved details before the dwelling is brought into use.

Reason. In the interests of highway and pedestrian safety.

23. No HGV deliveries shall take place during the construction period between the hours of 08:30 am to 09:30 am and 15:00 pm to 16:00 pm on weekdays to and from the site.

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

24. 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.

25. The consent hereby granted relates to the following plans as modified by other conditions of this consent where appropriate: –

- The site location plan drawing no. BBA 576.p.12.
- The site layout plan drawing no. BBA 576.p.01A received 7-1-2014
- The Block 1 & 2 elevations drawing no. BBA 576.P.07B received 7-1-2014.
- The Block 1 & 2 plan drawing no. BBA 576.P. 06A received 7-1-2014.
- House type D Drawing No BBA 576.P.05A received 22-11-2013.
- House type B Drawing No. BBA 576.P.03.
- The Block 3 Plans & Elevations BBA 576.P.08A received 22-11-2013.
- The Block 4 Plans & Elevations Drawing no. BBA 576.P. 09.
- House type A Plans & Elevations Drawing no. BBA 576.P.02.
- House type C Plans & Elevations Drawing no. BBA 576.P.04.
- Retail 1 Plans & Elevations Drawing no. BBA 576.p.10A.
- Retail Units 2&3 Plans & Elevations Drawing No. BBA 576.P.11A.

Reason: For the avoidance of doubt and in order to define the extent of the consent hereby granted.

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Development Control Committee Agenda - 3 April 2014

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

DEVELOPMENT CONTROL
COMMITTEE

3 APRIL 2014

REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES

Agenda Item No.4.3

SITE MEETING
APPLICATION NO. 13/1004 – PROPOSED
RESIDENTIAL DEVELOPMENT, NEW
LOCAL CENTRE, CAR PARKING AND
ACCESS – BRYNCAE INDUSTRIAL
ESTATE, BRIDGEND ROAD,
LLANHARAN

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the conditions set out in Appendix 1 to the report and the developer entering into a Section 106 agreement covering the following heads of terms:

- i. a legal agreement to ensure that the development approved remains affordable housing in perpetuity;
- ii. the developer meeting the Council's reasonable costs in preparing the legal agreement; and
- iii. the developer providing a transport tariff of £15,000 for highway network improvements.

3. BACKGROUND

- 3.1 In accordance with Minute No.192 (Development Control Committee, 6 March 2014) a site inspection was undertaken on Monday, 17 March 2014 to consider access arrangements to the development site, the

internal road layout and the proposed housing layout especially at the northern and western ends of the site.

- 3.2 The meeting was attended by the Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald) and County Borough Councillor E.Webster in consultation with the Local Member for Brynna (County Borough Councillor R.K.Turner). An apology for absence was received from County Borough Councillor D.Weeks.
- 3.3 The Development Control Officer outlined the application for full planning permission to demolish the existing buildings on site and replace them with 33 affordable homes and a new local centre comprising three retail units. The proposal would also provide a new access from Bridgend Road to the site and appropriate levels of car parking. Members inspected plans showing the layout of the proposed development.
- 3.4 Members noted that the local centre would front on to Bridgend Road and would comprise a single storey convenience store and two smaller retail units designed to accommodate a small bakery and take-away restaurant. The local centre would be served with separate parking facilities for 21 vehicles and cycle provision. The retail units would be serviced from dedicated loading areas with appropriate turning facilities. The parking and servicing area serving the shops would have its own independent access from the proposed site service road. The timings of deliveries to the retail units would be conditioned.
- 3.5 Members also noted that access to the residential element of the development would be via an improved existing access from Bridgend Road forming a fourth arm from the existing mini roundabout. Pedestrian access into the site would also be provided.
- 3.6 The Development Control Officer informed Members that the Transportation Section had no objection to the proposal subject to conditions but, in addition it had recommended that the developer be asked to enter into a Section 106 agreement to secure a transport tariff amounting to £15,000 for highway network improvements. However, this recommendation had been inadvertently omitted from the original report submitted to the Development Control Committee, i.e. Appendix 1.
- 3.7 The Local Member expressed highway safety concerns arising from the proposed access arrangements off Bridgend Road to the site. He pointed out that Bridgend Road was an extremely busy and congested road, A new residential development was currently being constructed directly opposite the application site which also had access off the same mini-roundabout. In response, the Transportation Officer stated that there was no evidence to suggest that the development of the application site would

exacerbate traffic congestion in the area to the detriment of highway safety.

- 3.8 The Local Member referred to suggested Condition No.19 stating “no articulated delivery lorries exceeding 10.7m in length shall serve the retail development at any time unless otherwise agreed in writing by the Local Planning Authority” and he enquired how this condition would be enforced. In response the Transportation Officer stated that appropriate enforcement action would be taken should any unauthorised use be reported to the Authority.
- 3.9 The Local Member then referred to the concern of the owners of the adjacent residential property - “The Sycamore Tree” - regarding their boundary with the application site and he was informed by the Development Control Officer that a condition would be imposed to ensure boundary treatments were approved and completed before any buildings were occupied.
- 3.10 Members noted that the proposed retail development was not considered a threat to the existing or proposed retail businesses in the area.
- 3.11 Members also noted the references made by objectors to the lack of any allocation of this site for retailing in the Local Development Plan but were informed by the Development Control Officer that the lack of a specific allocation did not prevent this type of development taking place.

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APPENDIX C

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014: REPORT NO.

**DEVELOPMENT CONTROL
COMMITTEE
1 MAY 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

Part 1	Agenda Item No.
<p>APPLICATION NO. 13/1004 PROPOSED RESIDENTIAL DEVELOPMENT. LOCAL CENTRE, CAR PARKING & ACCESS BRYNCAE INDUSTRIAL ESTATE, BRIDGEND ROAD, LLANHARAN.</p>	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination the application as outlined in the report

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the conditions and recommendations set out in this report and its associated appendices.

3. BACKGROUND

This application was originally reported for the consideration of Members at the meeting of the Development Control Committee held on 6th March 2014. At that meeting members resolved to undertake a site visit prior to determining the application. The site meeting took place on 17th March 2014 and the matter was reported back for the consideration of Members on 3rd April 2014. At that meeting Members deferred determination of the application until a later date to allow proper consideration of 88 late letters objecting to the application and a petition containing over 1000 signatures opposing the proposed development that had been submitted that afternoon. Members also requested to be further informed with regard to ecological mitigation through the use of further planning conditions. The earlier reports form **APPENDICES A & B** to this report.

The additional objections have now been reviewed and Members are advised that the core themes of objection remain as originally reported and addressed there are though certain nuances in the emphasis of content of the objections which is unsurprising given the amount of late

objections received. Members are advised that the main points in the key areas are as follows –

Transportation & Highways – correspondence concentrates on issues of highway safety, congestion and car parking with greater emphasis on inappropriate on street parking at peak times and around school hours. The access for four houses on to Duffryn Crescent is objected to and there is a suggestion that the railway bridge at Llanharan Square is incapable accommodating the additional traffic. These issues are addressed in the initial assessment other than the bridge which, though narrow, has no weight restrictions.

Need & the Effect on Existing Provision – are matters that were adequately addressed in the original report. There is some reference to the possible loss of the post office which currently sits within the existing shop but the issues in principal remain the same. The matter of the possible loss of existing businesses on the estate is also raised and this would be an inevitable consequence of redevelopment of the site. Members should though note that these businesses lease their premises and the landlord has an option to terminate them, and that details of some of the businesses have been passed to the Regeneration Section with a view towards securing alternative accommodation.

Planning Policy – A number of objectors have made reference, some at great length, to planning policy at the local and national level in an attempt to construct an argument that the proposed development is contrary to policy. However the arguments brought forward are considered to be addressed out of context or are misconstrued. The planning policy issues remain adequately dealt with in the original report.

Environmental Concerns – Members are advised that further representation has been made in respect of noise and disturbance particularly from delivery vehicles and plant that might be associated with the retail uses. Comments have also been made with regard to smell from food outlets. However, these matters would have been subject to appropriate consideration by the Public Health & Protection Section when they commented on the proposals and they have raised no objection. In any event odour control would be subject to other regulatory requirements. Mention has also been made that the contamination issue should be dealt with before consent is granted, however, the advice received is that the suggested approach to dealing with this issue is both appropriate and correct. As such these issues are adequately dealt with in the initial report.

Community Facilities – Some mention is made in particular about the need for further community centres, libraries and doctors surgeries. It should be noted that the community centre at Bryncae is only approximately 10 years old. Whilst there might be a perceived need to improve library services in the area this would not be a reason to reject

the current proposals. With regard to the provision of doctors' surgery facilities Members should keep in mind that whilst such provision might be needed in the area or would be preferable to the provision of more shops, the Local Health Board tend to operate on a predict and provide basis and further provision of housing is therefore more likely to make them provide the required facilities.

Design & Amenity – Further representation in this area has been received regarding the three storey flat element of the proposed development. The suggestion is that this element is out of keeping with the locality given its height. This is not so as there are clearly three storey town houses located to the north of the site. There is also a further suggestion that the height of these properties will lead to increased overlooking to an unacceptable degree of established property. However given the distances involved this relationship is considered acceptable. This matter along with that of the proposed finishes to the site are adequately dealt with in the original report to Members.

The Human Rights Legislation – One letter has raised the issue of compliance with the above requirements with this legislation and particularly Article 1 of the convention in relation to the peaceful enjoyment of possessions and Article 8 relating to respect for private and family life. The issue has been raised in the context of the flats and their third storey element claiming that this would increase overlooking and create an intrusion of privacy. Members are therefore referred to the comments on this issue above and in the original report. Furthermore, whilst the issue has been raised and set in context the objector offers no indication of how they consider widely accepted standards to be a violation of human rights.

The Comments of the Fire & Rescue Service – There is no obligation on any consultee to respond to a planning consultation and if no response is received within the statutory time limits then it is generally held that the service has no issue with the proposals. In this instance following the concerns expressed officers have again taken the matter up with the South Wales Fire & Rescue Service who have issued only their standard advice in respect of the development that it is the developers obligation to secure adequate water supplies for fire fighting purposes and that the site should be developed in a manner that facilitates access by emergency vehicles.

Ecology – The principal point of concern in relation to ecology was that of bats, though one resident has also raised the issue of dormice and the Greater Crested Newt. The supplementary report by Acer ecology provides an adequate approach for dealing with bats on the site and this should no longer prove problematic as it would require sensitive management through the development process. There is no reason why a similar approach should not be adopted towards dormice or the Greater Crested Newt, particularly as the likelihood of them being present onsite is considerably less than the likelihood of the presence

of bats due to prevailing environmental conditions. This view is shared by the County Borough Ecologist and by Natural Resources Wales as principal advisors to the Authority in respect of such matters. Therefore, for the avoidance of doubt around these issues, should Members be minded to support this proposal in line with officer recommendation then the following additional condition is considered appropriate to attach to any consent that might be issued.

'No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction and Site Operation has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;*
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction works and during site operation;*
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding reptiles, etc.)*
- d) Details of specific species and habitat mitigation measures (including birds, bats and reptiles)*
- e) Persons responsible for:*
 - i) Compliance with legal consents relating to nature conservation;*
 - ii) Compliance with planning conditions relating to nature conservation;*
 - iii) Installation of physical protection measures during construction;*
 - iv) Implementation of sensitive working practices during construction;*
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;*
 - vi) Specific species and Habitat Mitigation measures*
 - vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.*

Reason: In the interests of protecting and maintaining biodiversity."

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

19 JUNE 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/1004
PROPOSED RESIDENTIAL
DEVELOPMENT. LOCAL CENTRE,
CAR PARKING & ACCESS
BRYNCAE INDUSTRIAL ESTATE,
BRIDGEND ROAD, LLANHARAN**

OFFICER TO CONTACT

**MR G DAVIES
(Tel. No. 01443 494741)**

See Relevant Application File

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