

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE**

7 AUGUST 2014

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.7
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APPLICATION N0: 13/0922 DEMOLITION OF DERELICT FORMER WORKINGMEN'S CLUB AND RESIDENTIAL DEVELOPMENT AT CLYDACH VALE WORKINGMEN'S CLUB, HOWARD STREET, CLYDACH VALE, TONY PANDY

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 conditions.

3. BACKGROUND

Members will recall at the meeting of the Development Control Committee held on 19th December 2013, it was agreed to grant planning permission for the demolition of the existing building and residential development of the site (a copy of the original report forms **APPENDIX A** to this report). Consent was to be subject to conditions and the applicant entering into a legal agreement under Section 106 of the Act to secure one of the residential units as affordable housing.

Following the initial resolution from Members, the applicant prepared a site viability report which was subject to independent scrutiny and confirmed that the site would not be viable with any affordable housing provision. Consequently, a further report was submitted to Members on 19th June 2014 recommending that on the basis of the information provided that consent is granted without the Section 106 contribution (a copy of this report forms **APPENDIX B** to this report). At the meeting of the Development Control Committee, it was resolved to defer this planning application to allow further negotiation between officers and applicants to establish if there is any possibility of securing alternative Section 106 benefits through the development other than the provision of one affordable housing unit.

This matter has been taken up with the applicant, who after careful consideration of the Council's request has arrived at the conclusion that in light of the viability issue the site should not be fettered by any Section 106 requirements and takes the view that the scheme should be granted consent with only the conditions recommended by officers in the original report. The applicant takes this view on the basis that in light of the financial information already provided and the requirement that the site needs to be able to demonstrate a profit to be moved on to a developer who can bring the site forward. The applicant is in no position to do this herself as her only intention for the site was to have converted the original building into a restaurant and subsequent to its destruction by fire she no longer has an interest in developing it. Members will note from the earlier report that officers agree with the applicant on the central issue of site viability and this remains the case.

Members should note that the only requirement in terms of Section 106 obligations when this matter was originally reported was for the affordable housing unit. It should also be noted that the application is expressed in outline only with all matters of detail reserved and that the Transportation Section are of the view that the site can be developed so that it will not have any adverse impact on highway safety.

Notwithstanding the above, Members are advised that in any event, any Section 106 obligation would have to meet the three legal tests which are that of necessity to make the development acceptable, direct relation to the proposal and being fairly and reasonably related in scale and kind. This coupled with the personal financial circumstances of the applicant and the fact that the potential alternative to allowing this application would be a prolonged period of dereliction for the site leads to a conclusion and recommendation that consent should be granted with conditions but without any Section 106 requirements.

There is now also a need to address the conditions, as of 31st July 2014 there is no longer a requirement to secure Code for Sustainable Homes standards through the planning process as the responsibility has been transferred to the Building Regulations. As such there is no longer any need for conditions 13 – 15 as originally reported and these would need to be removed from any planning consent issued if Members are of a mind to approve the proposed development.

APPENDIX A

APPLICATION NO: 13/0922/13 (MJ)
APPLICANT: Ms A Williams
DEVELOPMENT: Demolition of existing derelict workingmens club and re-landscaping site to accommodate residential development.
LOCATION: CLYDACH VALE WORKINGMENS CLUB, HOWARD STREET, CLYDACH, TONYPANDY, CF40 2BP
DATE REGISTERED: 14/10/2013
ELECTORAL DIVISION: Cwm Clydach

RECOMMENDATION: Approve

REASONS

The proposal represents the redevelopment of and investment in the removal of a derelict burnt out site in Clydach Vale.

The proposal is considered acceptable in principle.

The proposal is in keeping with policies AW1, AW5, AW6 and NSA12 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of the principle of residential development on the site, and its impact on the residential amenity of surrounding properties as well as highway safety.

APPLICATION DETAILS

Outline planning permission is sought for the demolition of the existing vacant club building and residential development on land occupied by Clydach Vale Workingmens Club, Clydach Vale. The workingmen's club has suffered a severe fire in the past and is in a state of disrepair with serious damage to the roof structure.

In accordance with the requirements of the General Permitted Development (Amendment) Order (SI 20089 No. 2336 (W.199)) information regarding the access, footprint and height of the proposed development has also been received as part of the Design and Access statement and indicative plans. These are:

Maximum and minimum width: 8m and 6m

Maximum and minimum length: 12m and 8m

Maximum and minimum height: 12.3m (on the rear given the slope of the site) and 9.2m

The vehicular access to the development will be obtained from Park Street with a pedestrian access from Howard Street.

The indicative plan shows a potential development of 12 dwellings laid out as one terrace of 6 fronting Howard Street and 6 fronting Park Street. The access and parking area is via a lane from Park Street leading between the two terraces.

SITE APPRAISAL

The site is currently forms the curtilage of the Clydach Vale Workingmen's Club which has been severely damaged by a fire. The Workingmen's Club is situated on the northern half of the site fronting Howard Street and is a large split level building with two storeys to the front and three to the rear.

The site falls steeply from the north to the south to a relatively level tarmaced area fronting Park Street. The site is surrounded by residential properties which are mainly terraced properties.

PLANNING HISTORY

No previous relevant planning applications have been made on this site.

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. No response has been received to date.

CONSULTATION

Transportation Section – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions and informative notes relating to hours of construction, dust suppression measures, disposal of waste, etc.

Land Reclamation & Drainage – no objections subject to a number of conditions, including the submission of a full drainage scheme to the local planning authority for approval.

Education – no objections and there is surplus capacity in the local school to cater for the development.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity.

Dwr Cymru/Welsh Water – no objections subject to conditions.

Housing Strategy - no objections subject to the provision of 10% affordable housing in accordance with the Local Development Plan.

Glamorgan Gwent Archaeological Trust – no objections.

South Wales Police – no objections subject to the site being developed to Secured by Design standards.

POLICY CONTEXT

The principal policies in the consideration of this application are as follows:

Rhondda Cynon Taf Local Development Plan

The application site is identified as within the residential settlement boundary of Clydach Vale and is unallocated.

Policy CS1 - sets out the objective of building strong, sustainable communities in the Northern Strategy Area.

Policy CS4 – Housing Requirements.

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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

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

Policy NSA10 - sets out housing density requirements for new residential development and the criteria which allow for exceptions.

Policy NSA11 - requires the provision of 10% affordable housing on sites of 10 units or more.

Policy NSA12 - supports and sets criteria for the consideration of residential development proposals in the Northern Strategy Area.

Planning Policy Wales

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

The following Planning Policy Wales Chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application:

Chapter 4 (Planning for Sustainability),
Chapter 6 (Conserving the Historic Environment),
Chapter 8 (Transport),
Chapter 9 (Housing),

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

The application site lies within settlement limits and in a predominantly residential area. As such, the principle of residential development is considered acceptable.

The key considerations in this case are whether the proposed redevelopment of the site for residential development will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

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

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

Principle of development

The application site consists of a former workingmen's club which forms part of the village of Clydach Vale. Under the provisions of the Local development Plan, the site is within settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. The site is also well located in terms of its proximity to the main road through Clydach Vale local centre where there is a bus service and a couple of shops.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policy CS1, which seeks to promote the reuse of previously developed land, and residential development in locations which will support principal towns and key settlements in the Northern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

Character and Appearance of the Area

With regard to the impact of the proposal on the character and appearance of the area; it is considered that the use of the site for residential development will be in keeping with the existing residential character of the area.

The indicative proposal shows two terraces of 6 properties, one fronting Howard Street and the other fronting Park Street at the lower level. It is considered that this would represent an acceptable pattern of development should an application for reserved matters be submitted as it echoes the character established by the existing terraces in the area along both streets.

Whilst the density of the development is also indicative at this stage, it is considered that the applicant has demonstrated that the site could be developed to a density which is in keeping with the character of the area without having a detrimental impact.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

With reference to the impact of the proposal on the residential amenity of surrounding properties, it is considered that the indicative layout of the development is such that it demonstrates that the site could be developed so that overlooking between habitable room windows will be kept to a minimum.

It is also considered that the site is capable of accommodating a development that would not have an overbearing impact on existing neighbouring properties as demonstrated by the indicative plans and the buffer distances between the site itself and existing neighbouring properties.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal; however a number of conditions are specified. Matters relating to potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have also been raised, as such a condition to restrict the hours during which construction operations may be undertaken is also suggested. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that such impacts could be minimised by the imposition of appropriate conditions. Overall, it is not considered that the temporary impacts experienced during the period of construction would be so great as to warrant the refusal of the application.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site and it is considered that the site could be developed in such a way that would have an acceptable impact on residential amenity. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety, the Council's Transportation Section has raised no objections to the application subject to conditions. Having regard to the indicative scheme it is considered that the applicant has demonstrated that the site could be developed so that it will not have a detrimental impact on highway safety. The full details of the access and parking facilities of the proposed dwellings will be considered with the submission of an application for the approval of reserved matters.

Having regard to the above, the application is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

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.

No SewBrec records of statutory protected species have been found for the area surrounding the site. The Council's Ecologist has reviewed the information submitted with the application and has concluded that there is a limited potential for bat activity in the building due to the extensive damage that has occurred to the roof and other parts of the building from the previous fire. It is therefore considered that the proposed development will not have a detrimental impact on bats however an advisory note will be attached to any consent to advise the developer of their responsibilities.

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 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

It is noted that through the course of the application, consultation with a number of statutory consultees has generated requests for the applicant to enter into a Section 106 agreement. It is suggested that the financial contributions requested would potentially enhance the quality of the development and off-set any potential detrimental impact upon local facilities and the environment. The terms of the agreement and the commuted sums required are set out below.

1. Provision of 10% affordable housing units
2. That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

It is considered that this requirement meets all of the aforementioned tests and is compliant with the relevant legislation. The applicant is yet to agree all contribution requests and it is requested that Members grant delegated powers to officers to discuss the requirements with the applicant in light of potential viability issues, in consultation with the Local Members should they wish to approve the application.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development of the site for residential purposes is acceptable and is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings at this outline stage. Therefore, it is recommended that approval of outline planning permission be granted subject to the conditions specified below.

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out

as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. 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) Not 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 AW5 of the Rhondda Cynon Taf Local Development Plan.

3. 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.

4. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the access lane including 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.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

5. Before the development is brought into use the cellar opening on Howard Street shall be reinstated or capped in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

Reason: In the interests of highway and pedestrian safety.

6. Prior to the development being brought into use, the existing vehicular access onto Park Street shall be reinstated in full flexible footway material in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

Reason: In the interests of highway and pedestrian safety.

7. Prior to the commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

8. HGV's used as part of the development shall be restricted to 08:30am to 17:00pm weekdays, 08:30am 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.

9. Before leaving the site, all lorries shall be suitably sheeted.

Reason: To prevent debris and dust from construction works being deposited onto the public highway, in the interests of highway safety.

10. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of surface water drainage from the proposed car parking and turning areas. No residential unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

12. 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.

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.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL
COMMITTEE
19 JUNE 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 8
<p>APPLICATION NO. 13/0922 DEMOLITION OF WORKINGMEN'S CLUB & RESIDENTIAL DEVELOPMENT, HOWARD STREET, CLYDACH VALE, TONY PANDY</p>	

1. PURPOSE OF THE REPORT

Members are asked to reconsider the determination of 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 the earlier report but without the applicant agreeing to provide affordable housing through a Section 106 agreement.

3. BACKGROUND

Members may recall that at the meeting of the Development Control Committee held on 19th December 2013 it was agreed to grant planning permission for the demolition of the existing building and residential redevelopment of the site (a copy of the original report forms **APPENDIX A** to this report). Consent was to be subject to conditions and the applicant entering into a legal agreement under Section 106 of the Act to secure one of the residential units to be developed as affordable housing.

Since Members made the initial resolution the applicant has prepared details in respect of site viability and these in turn have been subject to scrutiny and it is clear that the site would not be financially viable if the applicant is required to make an affordable housing contribution.

The Council's affordable housing officer has also been consulted with regard to the above findings and has indicated that, in this case, there is no objection to removing the affordable housing requirement on the grounds of viability.

Consequently, it is recommended that Members agree to the approval of the planning application 13/0922 subject to the same conditions reported at the Development Control Committee meeting held on 19th December 2013, but without the applicant having to enter into a Section 106 agreement to secure one unit of affordable housing on the site.

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

7 AUGUST 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/0922
DEMOLITION OF DERELICT
FORMER WORKINGMEN'S CLUB
AND RESIDENTIAL
DEVELOPMENT AT CLYDACH
VALE WORKINGMEN'S CLUB,
HOWARD STREET, CLYDACH
VALE, TONYPANDY**

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See Relevant Application File

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