

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE**

6 NOVEMBER 2014

**JOINT REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES
AND THE SERVICE DIRECTOR,
PLANNING**

Agenda Item No.5(ii)

**SITE MEETING
APPLICATION NO.14/0620 –
REDEVELOPMENT OF THE SITE TO
PROVIDE 70 DWELLINGS WITH
ANCILLARY CAR PARKING, OPEN
SPACE, ACCESS ARRANGEMENTS AND
LANDSCAPING – LAND OFF CARDIFF
ROAD, RHYDYFELIN, PONTYPRIDD**

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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 of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to the applicant entering into a Section 106 agreement as set out in Appendix 1 to the report.

3. BACKGROUND

- 3.1 In accordance with Minute No.85(2) (Development Control Committee, 2 October 2014) a site inspection was undertaken on Monday, 13 October 2014 to consider the impact of the proposed development on the surrounding area and highways issues.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B.McDonald and W. D.Weeks respectively) and Committee Members - County Borough Councillors J.Bonetto, (Mrs) L.De Vet, (Mrs) J.S.Ward,

and E.Webster. Non-Committee/Local Member – County Borough Councillor (Mrs) T.A.Bates was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors M.Griffiths, P.Jarman, S.Rees, (Mrs) M.Tegg and G.P.Thomas.
- 3.4 The Development Control Officer informed Members that the application sought full planning permission to redevelop land off Cardiff Road to the rear of the properties of St. Luke's Avenue to provide 70 dwellings with ancillary car parking, open space, access and landscaping. The Development Control Officer outlined the design layout of the dwellings and internal road and pedestrian walkways proposed.
- 3.5 The Development Control Officer also informed Members of the contents of seven "late" letters received from local residents objecting to the application with particular reference to the highway safety implications of the access point being via Alexon Way. The Development Control Officer also outlined the response of the applicant in relation to objections received regarding access to the proposed development.
- 3.6 The Transportation Officer confirmed there was no highway objections raised regarding the proposal subject to the applicant making the relevant Section 106 transport tariff contribution.
- 3.7 The Local Member expressed concerns about the only entrance to the application site being via Alexon Way. She stated that local residents felt that only one access into the new development was not enough and detrimental to highway safety in the area.
- 3.8 Upon inspecting the proposed access point, the Development Control Officer was asked to liaise with the applicant on the possibility of a second access point being provided off Cardiff Road to the new development which could allow for access only via Alexon Way and egress directly onto Cardiff Road.
- 3.9 Members also questioned what would be the impact on properties located on Nant y Dall Avenue regarding potential over-looking and in response, the Development Control Officer stated that the distances between established and proposed built development would be well in excess of 25m which was more than acceptable in the context of maintaining distance between the windows of habitable rooms.

4. UPDATED REPORT

- 4.1 In accordance with the request of Members made at the site meeting the applicants have given consideration to the possibility of a second access on to Cardiff Road adjacent to the rear of Nant Y Dall Avenue and removing the property known as Fairholme; the applicants have responded as follows –

“I note the request from the local members. However, I do not foresee that providing the second access, particularly forming a one way loop, would assist in overcoming the concerns of residents of the Alexon House Factory Site. You should be aware that to form the second access would lose at least 5 dwellings from within the site, along with the existing dwelling along Cardiff Road, known as Fairholme. The loss of these dwellings would ultimately result in the loss of one affordable house along with an approximate reduction of the S106 contributions of £43,000.

The loss of these units would also be contrary to both national and local planning policy which requires the most efficient use of land and in particular policy CS2 of the LDP which seeks to promote sustainable growth in the Southern Strategy Area. While members may note that the number of dwellings currently proposed is higher than that previously approved, this is only due to the fact that we have amended the housing mix from larger units to smaller more affordable houses. Furthermore, this amendment has resulted in an increase in the density of the development from 28 dwellings per hectare to 37 dwellings which complies with policy contained within policy SSA11 of the LDP.

Turning to the original approved scheme, I would wish to point out that the plans approved by Planning Committee clearly indicates that there was a possible vehicular and pedestrian access to the Alexon House Factory Site subject to the resolution of the land ownership issues. These issues have been subsequently resolved. Furthermore, the access via the demolition to Fairholme and the lane to the rear of Nant Y Dall Ave generated significant objections from the residents of Nant Y Dall. Although planning committee resolved to grant planning permission for this access, it is clearly not the most suitable access to the site and therefore providing the access via the Alexon House Factory Site is the most convenient and safest for vehicle traffic.

It should also be noted, that all customers of the Alexon House Factory Site had been made aware of the possibility of future access to this site. Each customer was shown a plan illustrating the

potential access and the customers have signed pre-reservations forms confirming they have viewed the plans. Furthermore, it was clear at the time of their purchase that planning permission had been granted for residential use of this site (13/0721) and the plans approved by Committee also make reference to the possible future access between the sites. Accordingly, I would be grateful if you could convey to the Local Members that while we note their concerns it is not considered necessary to make such amendments to the scheme.”

Clearly the applicants wish the application to be considered as submitted and a determination should now be made on that basis.

APPENDIX 1

APPLICATION NO: 14/0620/10 (GD)
APPLICANT: Persimmon Homes East Wales
DEVELOPMENT: Redevelopment of the site to provide 70 dwellings with ancillary car parking, open space, access arrangements and landscaping
LOCATION: LAND OFF CARDIFF ROAD, RHYDYFELIN, PONTYPRIDD, CF37 5LG
DATE REGISTERED: 22/05/2014
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve

REASONS:

The proposal will provide much needed new housing including affordable housing and is in keeping with policies SSA1, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the residential amenity of surrounding properties as well as highway safety.

APPLICATION DETAILS

The application seeks full planning permission to redevelop land off Cardiff Road, to the rear of the properties of St Luke's Avenue, to provide 70 dwellings with ancillary car parking, open space, access and landscaping.

The proposed dwellings will comprise a mixture of detached, semi-detached and linked/ terraced properties and will be between 2 and 2.5 storeys high. The proposal includes the provision of 14 affordable units as well as a large area of open space along the river frontage.

The site will comprise 56 homes of private housing and 14 affordable housing units. The affordable housing comprises 8no two bedroom units for low cost home ownership along with 4no. apartments and 2no. 2 bedroom houses for housing association occupation.

The scheme overall includes a range of different house types, including 4no. 1 bedroom apartments, 21no. two bedroom houses, 25no. three bedroom houses and 20 no. four bedroom houses. The housing will comprise a mixture of linked,

semi detached and detached properties along with the four flats located in the western corner of the site.

The properties would all be 2 – 2.5 storeys in height, each with their own private amenity space being provided in the form of an enclosed rear garden. It is proposed that the dwellings be constructed with a range of materials, with a mix of substitute stone facing brick and cream/ ivory render. All dwellings would have smooth grey finish roof tiles with either grey or terracotta ridge tiles.

The layout has been developed to respond to the existing site features and the context of the immediate area, with the principal form being linear and largely parallel to St Luke's Avenue, up to its north western boundary where it turn 90 degrees to back on to Nant Y Dall Avenue. Secondary to that are two secondary roads perpendicular to the main spine that afford access to a series of private drives which allow development to front the river along the south western boundary of the site.

Access to the site will be derived from the larger development currently under construction at the former Alexon Factory site, with the main access to the site and general highway arrangement as described above. There is a clear highway hierarchy of primary secondary and private roads, defined by variation in finish surfaces and size. Key junctions within the site are defined by raised tables which also act as a traffic calming measure. All dwellings will have off street parking provision in a combination of side or frontage parking and integral or detached garages. The flats will benefit from a small parking court immediately adjacent to them.

The development will also involve the creation of a substantial landscaped buffer along its south western boundary (along the river bank) which will be accessible to all with a footpath link through it linking with the adjacent site and the road network.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement;
- Application forms and certificates.
- Code for sustainable homes pre assessment.
- Flood consequences assessment.
- Transport statement.
- A phase 1 habitat survey.
- A bat activity survey, and;
- A tree survey.

SITE APPRAISAL

The application site is a broadly rectangular parcel of land, measuring approximately 1.87ha in area. The site is currently vacant and adjoining the site of Alexon House, a former clothing factory site currently being redeveloped for new housing. The site predominantly comprises scrubland and contained a number of derelict buildings which have recently been removed.

The latest flood maps from Natural Resources Wales indicate that the site is located within zone A (i.e. at no risk of main river fluvial or tidal flooding) with small areas of the south of the site located within the fringes of zone C2.

To the north the site is bounded by the rear of properties of St Luke's Avenue off Cardiff Road, the main road through the village of Hawthorn. Vehicular access is currently located toward the western extent of the site directly off Cardiff Road along a lane to the rear of the properties of Nant y Dall Avenue. The far south of the site remains undeveloped and is covered by a range of vegetation and a number of mature trees. The site is predominantly level, particularly along the northern and central sections, at the far south of the site, the land falls toward the level of the River Taff, which bounds the site.

The surrounding area is predominantly residential, being characterised by a variety of different building styles. Properties which front Cardiff Road vary between large bay fronted detached properties and smaller traditional terraces, whilst there are also a number of modern bungalows in the area.

PLANNING HISTORY

Previous relevant planning applications that have been made on the site are as follows:

13/ 0721	Land off Cardiff Road Hawthorn	Residential Development 53 Dwellings	Conditions 04/03/14
12/0984	Glan Afon, land east of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	3 Detached Dwellings including new vehicular access and demolition of existing dwelling.	Conditions 20/12/12
12/0314	Plot 1, Glan Afon, land rear of St Luke's Church, Rhydyfelin, Pontypridd.	Plot 1 - 1 Detached Dwelling (application amended to full planning application and amended plans received on 25/04/12)	Withdrawn 30/08/12
12/0006	Land adjacent to 'Silverdale', End of	One detached dwelling (approval of reserved matters - outline application	Conditions 01/03/12

	Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	reference 11/0027/15).	
11/1470	Plot 3, Glan Afon, rear of St Luke's Church, Rhydyfelin, Pontypridd	Detached dwelling (Reserved Matters Application in relation to application 11/0412) (amended location plan received 21/06/12 including turning area).	Conditions 26/07/12
11/0412	Glan Afon, rear of St Luke's Church, Rhydyfelin, Pontypridd.	3 detached dwellings with detached garages including amended vehicular access to site.	Conditions 30/06/11
11/0027	Land south of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	Variation of Condition 1(c) by renewing expiration of 3 years from the date of approval of planning permission 07/1332/13, Granted on 26/02/08.	Conditions 23/03/11
07/1332	Land South of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd.	One detached dwelling. (Outline) (Amended location plan received 11/01/08)	Conditions 26/02/08
05/0208	Land south of Nant Y Dall Avenue, Rhydyfelin, Pontypridd.	Proposed one detached dwelling (Outline)	Refused 01/04/05
05/0112	Land rear of Nant Y Dall Avenue, Rhydyfelin, Pontypridd.	Proposed residential development (outline)	Withdrawn 07/03/05
93/0854	Off Cardiff Rd, Hawthorn, Pontypridd	71 No. dwelling units.	Withdrawn 23/09/97
93/0733	Land adjacent to Alexon House, Hawthorn,	Residential Development (outline application)	Conditions 20/12/93

Pontypridd

75/708	Land adjacent to 39 Nantydall Avenue, Rhydyfelin, Pontypridd	Proposed access to public open space	Conditions 30/07/75
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PUBLICITY

The application has been advertised by means of site notices press notice and neighbour notification letters. The publicity exercise has generated two responses which raise the following issues.

- The proposal now involves the construction of 70no. dwellings on the site which represents a substantial increase from the previously approved scheme.
- Plots 40 and 41 are three storey and will directly overlook the established homes on Nant Y Dall Avenue.
- Long established views will be adversely affected.
- The developer will need to act considerately towards the flora and fauna of the site to ensure that it benefits from adequate protection now and in the future. and;
- It is noted from the plans that the existing rear lane to Nant Y Dall Avenues is closed off and it is questioned that this is permissible.

CONSULTATION

Transportation Section – no objections subject to conditions and the developer making the relevant Section 106 transport tariff contribution.

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

Public Health & Protection Section – no objections subject to conditions.

Education & Learning – have confirmed that the local school is near capacity and that a financial contribution will be required to address that issue should the proposals proceed.

Parks Section – require financial contributions for off site play facilities and future maintenance obligations to be submitted upon completion of 50% of the development.

Natural Resources Wales – no objections subject to conditions, including the imposition of a condition relating to minimum floor levels and they also advise

that the Council should be satisfied that the development meets the requirements of Technical Advice Note (TAN) 15 Development and Flood Risk

Urban Design – while a number of issues raised with the applicant remain unaddressed the proposal is acceptable in urban design terms.

Housing Strategy – advise with regard to the provision of social housing that the development should make and confirm that the applicants offer meets this demand.

Dwr Cymru Welsh Water – no observations received though no objection was raised to the earlier proposals for the redevelopment of this site.

Western Power Distribution – have not responded within the statutory consultation period.

Wales & West Utilities – raise no objection to the current proposal and advise with regard to the location of their apparatus in the vicinity of the application site and the safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – have not commented with regard to the current application however they raised no objection to the earlier application.

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

Countryside Section – SEWBREC records indicate no records of any protected species and recommend the use of appropriate wildlife protection and ecology related conditions be attached to any consent issued along with a bat advisory note.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy AW1 - sets out the requirements for new housing development and the methods by which the provision of new housing will be met. AW1.3 refers directly to the development of unallocated land within the defined residential settlement boundaries of principal towns, key settlements and smaller settlements.

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

Policy AW4 – refers to Community Infrastructure & Planning Obligations. It states that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities,

infrastructure and related works, to make the proposal acceptable in land use planning terms.

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

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

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA11 – refers to housing density.

Policy SSA12 – refers to affordable housing.

Policy SSA13 – sets out the criteria for the consideration of development proposals 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 2 (Development Plans),
Chapter 3 (Making and Enforcing Planning Decisions),
Chapter 4 (Planning for Sustainability),
Chapter 7 (Economic Development),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution)

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any

determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

The site is within the settlement boundary of Hawthorn and Rhydyfelin and is unallocated, where the principle of residential development is considered acceptable subject to certain criteria. As detailed above, the scheme seeks to develop the site for a total of 70 dwellings.

The key considerations in the determination of this application are whether the principle of residential development upon the site is acceptable, the potential impact of the development upon the privacy and amenity of neighbouring properties, the effect on the character and appearance of the area, the impact of the proposal on highway safety and the impact on ecology and biodiversity.

Principle of the proposed development

Local Development Plan, the site relates well to the principal town of Pontypridd, 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 or under used land. It is also considered that the site is in a sustainable location, within existing settlement limits and that it has good public transport connections.

One of the objectors points out that the current proposal represents a substantial increase in dwelling numbers over the previously approved scheme. Whilst the increase from 53 to 70 proposed homes is substantial it is not considered to affect the principle that the site is suitable for development in planning terms. This point is further addressed below in the elements of the report addressing character, appearance, amenity and privacy.

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 CS2, which seeks to promote sustainable growth in the Southern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

Impact on the character and appearance of the area

The proposed scheme is for a total of 70 dwellings, arranged around a simple road layout. The scheme takes account of the site's characteristics and context and as a result, the layout is successful in creating frontages along the River Taff

landscape area to the south whilst also respecting the existing pattern of development along St Luke's Avenue and Nant y Dall Avenue. The southwestern extent of the site is defined by a landscape buffer, which adjoins the River Taff. This feature follows on from and links with the landscape buffer that was approved as part of the housing scheme for the adjoining site previously occupied by Alexon House and now being redeveloped for housing by the applicant for the current scheme.

The proposed layout incorporates a protection zone to create an attractive landscape area along the southern proportion of the site. Houses within the southwestern area of the layout have then been orientated in order that they overlook this area. Elsewhere within the site, the layout provides an internal network of connected streets and footpaths, which are overlooked by surrounding houses. Taken together with the larger site under construction to the south west of the application site, it is considered that the configuration of roads and footpaths provide direct and legible routes between Cardiff Road and the riverfront, for both vehicles and pedestrians, as well as between the two adjoining housing sites.

Turning to the scale, design and appearance of the development, the proposal is for traditional two and two and a half storey housing (accommodation within the roof space), with integral and single storey detached garages often accompanied by frontage parking. The scheme incorporates a variety of house types, these range from one bedroom apartments and 2 bedroom houses, to large four bedroom properties.

The area surrounding the application site is characterised by a wide of range of housing types constructed in a variety of materials. These range from traditional stone fronted terraces, to large bay-fronted semi-detached properties and modern detached dwellings to blocks of flats. As such, it is considered appropriate to utilise a range of finishing materials within the proposed development. Dwellings would be finished in either, substitute stone, facing brickwork or coloured render, with grey tiled roofs. It is considered that the palette of materials presented is appropriate and helps to create identifiable character areas and a distinct hierarchy within the site, whilst respecting the character of the surrounding area.

As noted above, the layout proposes 70 dwellings, which equates to a density of approximately 37 dwellings per hectare. This clearly complies with the standard set out in SSA11, and has been achieved within the building envelope established for the site by the earlier consent.

Overall, it is considered that the layout of the site and scale and appearance of the dwellings proposed is successful in identifying and responding to the various site constraints and context of the wider area. As such, it is considered that the

development would contribute positively to the character and appearance of the area, successfully incorporating the increase in density proposed.

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 SSA1, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

Given that the site lies within an established residential area, it is important to consider the potential impacts of the layout upon the levels of amenity and privacy currently enjoyed by the occupiers of neighbouring residential properties. It is considered that the properties closest to the site, on St Luke's Avenue and Nant y Dall Avenue are the main streets to be affected by the development. The proposed dwellings to the rear of St Luke's Avenue share boundaries and sit back to back with each other, however, a minimum distance of 23m will be maintained between built development and this is considered more than acceptable. In the case of Nant Y Dall Avenue the rear of the properties would face the rear elevations of the new development with the rear lane running between them. The distances between established and proposed built development will be well in excess of 25m and this is considered more than acceptable in the context of maintaining distance between the windows of habitable rooms in this case.

One resident of Nant Y Dall Avenue has objected on the basis that the proposed Leicester House types that back on to their property would create an unacceptable level of overlooking because of the bedroom worked into its roof space. However the rear roof slope of the property is entirely conventional and would only contain roof lights at a level that would not readily facilitate overlooking in any meaningful way and in any event, the distances between the two houses would be considered more than adequate if such a circumstance did arise.

Within the site itself each of the plots benefits from its own private garden area, with the layout ensuring reasonable separation distances are maintained between the proposed dwellings. The relationship with the residential scheme currently under construction adjacent to the site does not present any issues in respect of privacy or amenity as the current proposal has been designed to integrate with it.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjacent to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

With regard to the impact of the proposal on highways safety and objections raised, the Council's Transportation Section has raised no objections to the application subject to conditions.

In this regard, it is proposed that the development would be served by the single point of access from Cardiff Road that currently serves the site under construction and then via the proposed estate road network. Within the site there is a clear and distinctive road hierarchy defined by its width, finishing materials and to some extent by the finishes to the houses themselves. This is supplemented by raised tables as traffic calming safety features at key junctions within the site itself.

The proposal is therefore considered acceptable in terms of its impact on highway safety and is in keeping with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Ecology & Landscape Impacts

With regard to the impact of the proposal on habitats and biodiversity on the site, the ecological survey/assessment has concluded that site is of relatively low ecological value, dominated by Balsam (with some Japanese Knotweed). The site isn't in a Site of Important Nature Conservation (SINC) however, the adjacent River Taff is part of SINC 142 and having regard to the ecological work submitted it is considered that the applicant has demonstrated that the site doesn't appear to have any over-riding ecological constraints and that sufficient ecological survey work has been completed.

One of the conclusions of this assessment was that the detailed scheme should incorporate a protection zone along the River Taff. This is detailed within the current submission and landscape plans.

The application is also accompanied by detailed landscape proposals, tree survey and a landscape design statement, specification and management plan. This document sets out the design objectives for the internal landscape of the site and the peripheral landscapes on the site boundaries.

It is clear from the above that the applicants have had due regard to the flora and fauna on the site and the designation of the banks of the River Taff as a Site of Interest for nature Conservation. The scheme is designed in order that following its completion residents will be responsible for their own private gardens and spaces. Public landscape areas will be managed by a suitability-qualified contractor, appointed by the developer, in accordance with the management

specification. Following their assessment of the application and landscaping scheme, the Council's Landscape and Ecology section, raise no objections to the development and it is considered that the proposal is in keeping with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

The latest flood maps from Natural Resources Wales indicate that the site is located within Zone A (i.e. at no risk of main river fluvial or tidal flooding) with small areas of the south of the site located within the fringes of Zone C2.

The flood consequences assessment submitted in support of the application indicates that the site does not flood in the 1 in 100 year plus an allowance for climate change event. The study also demonstrates that in the extreme 1 in 1000 year flood event the site would flood to a depth of 240mm, - this is within the tolerable limits set out in TAN 15 Further, the FCA proposes that finished floor levels for the site will be set above the level of flooding for the 1 in 1000 year event with compensatory flood storage provided by the creation of a swale.

The proposed swale is provided on the basis that the creation of impermeable surfaces on the site will need to be compensated for. The depth of flooding proposed in the extreme flood event is such that the houses would remain dry and the flooding would be confined to the road to the depth stated. The reconfiguration of the access through the adjacent site creates a flow path for the water that would mean it would pass-through the site and residents would still be able to access/egress the site in the extreme flood event scenario. As such the proposals are considered acceptable in terms of the requirements of TAN 15 Development & Flood Risk.

Other Issues:

It is considered that most of the issues raised by residents have been addressed in the above text. However, one resident did raise the issue of the loss of view and as Members will be aware this is not a legitimate planning consideration and cannot have any bearing on the consideration of the planning application.

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 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. Following lengthy discussions with the agent agreement has been reached on the terms of the agreement and the commuted sums required, which are set out below.

1. Education - a contribution of £257,397 for primary school spaces on the basis of 66 eligible dwellings.
2. Transport - a contribution of £191,760 as a Transport Tariff in accordance with the Supplementary Planning Guidance.
3. Countryside & Leisure (Parks) - a contribution of £90,475 toward play/recreational facilities in the local area based on the need for a complete local equipped area for play (LEAP) and a commuted sum of £15,000 for future maintenance payable on completion of 50% of the dwellings
4. Provision of 14 affordable housing units on the site as shown on the layout plan.
5. 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 above tests and is compliant with the relevant legislation.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in principle and satisfies planning policy in key areas. The site will be developed having regard to the relative sensitivity of the area in terms of amenity aesthetics and ecology and as a result the proposal is recommended positively.

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 Sections 91 and 93 of the Town and Country Planning Act 1990.

2. Notwithstanding the approved plans, no development shall take place on site until protection measures for all trees identified to be retained have been put in place. Otherwise, no development shall take place (other than demolition), until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping. The development shall be carried out in accordance with the approved details.

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

3. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

4. Building operations shall not be commenced until samples of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

5. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

6. No development shall take place (other than demolition) 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.

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

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

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) submitted by FMW Consulting for Hawthorn, Rhydyfelin dated May 2014, and the following mitigation measures detailed within the FCA;

Provision of compensatory flood storage on the site to a 1 in 1000 year standard as stated on page 17 paragraph 14.4 and figure SW 1 of the FCA produced by FMW consulting for Hawthorn Rhydyfelin dated May 2014

Reason: To prevent flooding by ensuring the satisfactory storage of fluvial flood waters.

9. No construction works shall take place (other than any works of site clearance, decontamination and remediation) until a method statement has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, (including the river Taff), their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a plan shall include details of but not be confined to the following:
- The timing of the works.
 - The measures to be used during the construction in order to minimise environmental impact of the works (considering both potential disturbance and pollution).
 - Construction methods.
 - Any necessary pollution protection measures.
 - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking.
 - The protection of any connections to onward surface waters which may be affected during works to remove or update existing drains.

The works shall be carried out in accordance with the approved method statement.

Reason: Due to the close proximity of the River Taff there are concerns over water quality and pollution risks during construction.

10. Notwithstanding the submitted plans, development shall not commence (other than demolition) until full engineering design and details of the internal road layout incorporating traffic calming features, street lighting, signage, drainage, highway structures, including longitudinal and cross sections 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.

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

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

12. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. 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;

1. the means of access into the site for all construction traffic;
2. the parking of vehicles of site operatives and visitors,
3. the management of vehicular and pedestrian traffic,
4. loading and unloading of plant and materials,
5. storage of plant and materials used in constructing the development,
6. wheel cleansing facilities,
7. 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.

14. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall take place until details of measures to reduce the impacts of light fall from site lighting onto adjacent SINC (and other) habitats and the green corridors for bats, has been submitted to and approved in writing by the local planning authority. All lighting works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To afford protection to animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

16. A landscape management and mitigation plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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.

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

6 NOVEMBER 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 14/0620 – REDEVELOPMENT OF THE SITE TO PROVIDE
70 DWELLINGS WITH ANCILLARY CAR PARKING, OPEN SPACE, ACCESS
ARRANGEMENTS AND LANDSCAPING – LAND OFF CARDIFF ROAD,
RHYDYFELIN, PONTYPRIDD**

Minute No. 85(2) (Development Control Committee, 2 October 2014)

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