

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
5 NOVEMBER 2015**

**REPORT OF: SERVICE DIRECTOR
PLANNING**

	Agenda Item No.11
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<p>APPLICATION NO: 15/0453 WIDENING OF EXISTING VEHICULAR /PEDESTRIAN ACCESS INCLUDING ALTERATIONS TO EXISTING BOUNDARY WALL WITH ADDITION OF PEDESTRIAN GATE. ADDITIONAL PARKING WITHIN THE SITE WITH ASSOCIATED WORKS. AT CHAPEL HOUSE, LLANTRISANT ROAD, GROES-FAEN, PONTYCLUN</p>
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1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider this report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the Development Control Committee on 6th August 2015 with a recommendation of approval. A copy of the report is attached as **APPENDIX A**. At that meeting Members resolved to defer determination to allow the Council's Ecologist to investigate a late issue raised by a local resident regarding the potential for reptiles to be present at the application site. (Minute No. 43 refers).

Following the meeting, the Council's Ecologist undertook a site visit to assess the reptile potential of the site. He noted that the remnant graveyard grassland is quite species rich and diverse and is large enough to hold a reptile population. Although he acknowledged that the site clearance works had reduced the area of potential reptile habitat, he considered that there was enough reptile potential remaining to justify the requirement of a survey. The Council's Landscape Officer also visited the site and identified a number of areas affected by Japanese Knotweed. Subsequently, a reptile survey has been submitted together with a method statement, which explains how the applicant intends to deal with the Japanese Knotweed.

The Council's Ecologist has reviewed the reptile survey and has advised that it is a thorough and competent survey which has not recorded any reptile use of the refuge put down or during site transect walks. As such, he has concluded that the current conditions indicate there is no reptile population at the site and as such, no mitigation can be justified as part of this application. In respect of the presence of Japanese Knotweed and the method statement which has been submitted, the Council's Landscape Officer has advised that the detail fails to clearly explain the method proposed to control and/or eradicate the Japanese Knotweed at this site. Accordingly, the application is recommended for approval (as per the original report in **APPENDIX A**) subject to an additional condition as set out below:

9) Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

APPENDIX A

APPLICATION NO: 15/0453/10 (CPU)
APPLICANT: The Ashgrove Trust
DEVELOPMENT: Widening of existing vehicular/pedestrian access including alterations to existing boundary wall with addition of pedestrian gate. Additional parking within the site with associated works.
LOCATION: CHAPEL HOUSE, LLANTRISANT ROAD, GROES-FAEN, PONTYCLUN, CF72 8NQ
DATE REGISTERED: 30/04/2015
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve

REASONS:

The proposed development, which includes works to widen an existing access off Llantrisant Road, would facilitate off road parking in association with the use of the Chapel as a meeting hall for the Brethren Christian Church. There are no highways objections to the application and the development is considered to have an acceptable impact upon the amenities of neighbouring properties and the character and appearance of the surrounding area.

APPLICATION DETAILS

Full planning permission is sought to widen an existing access onto Llantrisant Road and provide off road parking within the grounds of Chapel House, Llantrisant Road, Groesfaen. The key aspects of the works proposed are as follows:

- Widening the existing access onto Llantrisant Road by 1.13 metres. Currently, the access onto Llantrisant Road is 3.7 metres wide. It is proposed to increase the opening to 4.83 metres in width and replace the existing gates. The new vehicular access gate would measure 2 metres in height and would be set back 2.8 metres from the edge of the pavement. Two new stone piers, also finished to match the existing, would be constructed to a height of 2.6 metres from the adjacent pavement level. In addition, it is also proposed to drop the height of a 2.9 metre wide section of wall and railings either side of the proposed piers from 2 metres down to 1.6 metres in height.
- Create a 1.2 metre wide opening within the existing wall and erect a 2 metre high pedestrian gate to provide access to the graveyard located within the south-eastern corner of the site.
- Provide a car parking area for 41 vehicles (36 standard spaces measuring 2.4m x 4.8m, and 5 disabled spaces) to the north and east of Chapel House.

The Design and Access Statement accompanying the application states that the Chapel was purchased by the Ashgrove Trust in 2014. It is stated that the applicants intend to utilise the existing buildings as a meeting hall for the Plymouth Brethren

Christian Church. The statement also notes that a condition of the purchase of the property was that the applicant had to maintain and erect a close boarded timber fence to the perimeter of the graveyards either side of the entrance to the property. This work has already been completed and has been deemed to be permitted development. Another condition of the sale was for the installation of a new pedestrian gate to the eastern graveyard. This aspect is included in the application and is referred to in the schedule of works listed above.

SITE APPRAISAL

The application site relates to the grounds of Chapel House, also known as 'Babell Chapel'. It is located within a broadly rectangular shaped curtilage that is elevated above Llantrisant Road. The Chapel and the associated buildings are located on the western half of the site, approximately 14 metres north of Llantrisant Road. There are two graveyards forward of the Chapel which have recently been enclosed by close boarded timber fencing. The land to the side of the Chapel has also been cleared and a number of trees are believed to have been removed from this location in preparation for the car park. This area of ground is subject to small changes in level, particularly within the north-eastern corner of the site. To the rear, there is a rectangular parcel of ground that is flat in level. Although it is clear that a number of trees have been removed, there is some landscaping maintained along the rear and eastern boundary.

The southern boundary of the site fronts onto Llantrisant Road. It is defined by a traditional stone wall with steel railings above. The existing vehicular access off Llantrisant Road is located roughly in the centre of the elevation, in-between the two graveyards. A bus stop is located immediately to the right of the access. On the opposite side of the road, there are a number of traditional semi-detached and terraced houses fronting onto Llantrisant Road. To the west, there is a link of three villas and to the east, a detached bungalow. At the rear, there are detached houses (Y Parc) situated on a higher level.

PLANNING HISTORY

07/0799	Garage conversion to toilet, small storage area and kitchen	Granted 27/07/2007
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PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. There have been 2 letters of objection received to the application which are summarised as follows:

- The application is made in retrospect without any liaison with residents. The graveyard has been fenced off, trees have been felled and 'scrub' has been cleared and the ground has been prepared for the car park;
- The continued practical and reasonable operation of the graveyard needs to be maintained;
- The unauthorised siting of air conditioning units on the western elevation of the Chapel are noted;

- Details of the trees that have been felled and the reasoning for this. How the ground has been remodelled and how wildlife interest was dealt with;
- The removal of the trees has totally changed the topography of the site and the views from the houses directly opposite and from behind in 'Y Parc.
- Queries are raised regarding the accessibility of the pedestrian access to the graveyard;
- The highway implications relating to the provision of 41 parking spaces in an area which is viewed as a 'major bottleneck' in the highway;
- Clarification is requested regarding the proposed use of the Chapel;

In addition to the above, a letter of objection has also been received from Pontyclun Community Council requesting consideration to be given to:

- The safety of road users and pedestrians;
- The visual aspect of the existing wall along the boundary of the Chapel;
- The access implications to the burial ground.

CONSULTATION

Transportation Section - no objection subject to conditions.

Land Reclamation & Engineering -no objection.

Public Health & Protection - no objection.

Dwr Cymru Welsh Water - no adverse comments received.

Countryside, Landscape & Ecology - no objection but suggests a landscaping scheme which is sympathetic to surrounding wildlife.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The following policies are considered to be of relevance in the determination of this application:

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 AW8 – Protection and Enhancement of the Natural Environment.

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

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

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

Main Issues:

Principle of the proposed development

The application relates to alterations to an existing access and the provision of off road parking in association with the use of the Chapel as a meeting hall for the Plymouth Brethren Christian Church. There is no change of use proposed as part of this application and the development is considered to be acceptable in principle subject to the material planning considerations set out below.

Impact on the character and appearance of the area

The Chapel has a prominent and open frontage onto Llantrisant Road. As pointed out by residents, the two graveyards positioned to the front of the site have been enclosed by close boarded timber fencing. A number of trees have also been felled as part of the clearance works in preparation for the car parking area proposed under this application. Whilst this is regrettable, planning permission is not required for the erection of the fencing at the height constructed or the removal of trees not protected under a designated order. Therefore, whilst appreciating the concerns raised by residents, these matters fall outside the control of the Local Planning Authority.

The main visual impact of the operational works proposed by this application relate to the widening of the access onto Llantrisant Road and the provision of an off road

parking area at the rear of the site. The widening of the access would result in alterations to the stone boundary wall and the provision of a new vehicular access gate and stone piers. The new section of wall and stone piers would be constructed to match the style and materials of the existing stone wall and is considered to be acceptable from a visual amenity point of view. The new vehicular access gate would be set back 2.8 metres from the edge of the pavement and would also be of a similar style and height as the gates which would be replaced. A new pedestrian access gate proposed to serve the graveyard within the south-eastern corner of the site is also considered to be acceptable matching the height and style of the existing pedestrian gate located within the western corner of the boundary wall. Accordingly, the widening of the access and the alterations to the existing boundary wall are considered to be visually acceptable.

The off road parking area would be set back into the site and to the rear of the eastern graveyard. The loss of an area which was previously landscaped and aesthetically pleasing is unfortunate however, the removal of trees took place prior to the submission of this application and planning permission was not required. Having regard to the location of the parking area, set back from the frontage of the site, it is not considered that the provision of a hardstand at this location would be so detrimental to the warrant the refusal of planning permission. Nevertheless, it is suggested that a landscaping scheme would help to soften the visual impact of the car parking from the view off Llantrisant Road. This scheme is suggested via condition number 3. Having regard to this, the development proposed is considered to have an acceptable impact upon the visual amenity of the application site and the surrounding area.

Impact on residential amenity and privacy

The application site is located within a predominately residential area and consideration should be given to the potential impact of the works to the amenities of those living closest to the site. The existing access serving the Chapel is located within the middle of the site and the opposite side of the highway to the neighbouring properties to the south. The widening of the access and the alterations proposed to the boundary wall by virtue of their very nature and location is not considered to pose any significant amenity issues to neighbouring properties.

Nevertheless, it is acknowledged that a level of noise and disturbance could be experienced as a result of the activities associated with the provision of a car parking area at the site. Whilst this impact to neighbouring properties is recognised, it is not considered that the car park is of a scale which would be so detrimental to the amenities of neighbouring properties to warrant the refusal of planning permission. The Council's Public Health and Protection Officer has also considered the proposal and raised no objection in this respect. Moreover, it is noted that vehicles could park within the site at present without the need for planning permission. Planning permission is only required for the operational works proposed which is the surfacing of the car park. It is however suggested that the landscaping scheme referred to earlier in this report should integrate measures to soften the impact of the car park along the boundaries with neighbouring properties, particularly adjacent to the boundary with the detached bungalow to the east (Springfield).

In addition to the above, it is also acknowledged that there is a small level change within the north-eastern corner of the site which will require some levelling out. However, it is not considered that the degree of the works required would be harmful to the amenities and privacy of neighbouring properties.

Access and highway safety

Comments received from residents during the course of this application raise concern that the access to the Chapel is located at a point in the carriageway which is a major bottleneck and is too narrow to sustain further vehicular access, particularly during peak periods of the day. An objection has also been received from Pontyclun Community Council in relation to the implications of the proposal on the safety of road users and pedestrians.

The proposal seeks to improve the existing vehicular access onto the Llantrisant Road to provide an area for off-road parking in association with the existing use of the building. Whilst appreciating the concerns raised, there is currently no formal off road parking at the Chapel and the proposed development would reduce the demand for on-street parking in the locality.

The Transportation Section has assessed the proposal and has raised no objection subject to conditions relating to the details of the surface material for the car park and the approval of a construction method statement. On consideration of the application, it has been noted that the proposed access lies within the 30mph speed restriction at Groesfaen and is approximately 150m from a traffic speed camera. In the view of the Transportation Section, the on-street parking associated with the houses opposite the site and the presence of a bus stop reduces vehicle speeds at the location of the site access.

Some concern has however been raised that the widening of the existing access would result in an encroachment on the existing bus stop cage marking and this potential impact has been considered as part of the assessment. However, consideration has been given to the brief period of time buses remain stationary at the stop and the likelihood that this would coincide with the times of the high activity at the access to the Chapel. On balance, the Transportation Section considers that the impact of the widening of the access on highway safety to be acceptable.

In terms of visibility, a splay of 2.4m by 40m is required at the access. The existing walls adjacent to the access would be rebuilt to a maximum height of 0.9m to assist in the provision of a 2.4m by 40m visibility splay above the wall level and 2m by 40m splay along the face of the new wall which is considered to be acceptable. The width of the driveway to the car parking area has also been assessed and in this respect, it is noted that the vehicular access gates would be set back off the pavement and the access to the parking area would be widened to 4.8m in width which is sufficient to allow cars to pass. The layout of the proposed car parking area is also acceptable providing sufficient space for access, circulation and manoeuvring.

Whilst appreciating the concerns raised by residents, there are no highways objections to the application and therefore, the development is not considered to

prejudice highway safety and is in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

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

Drainage

Surface water from the proposed development is considered to be discharged into the mains sewer. There have been no adverse comments received from Dwr Cymru Welsh Water at the time of writing this report and the Council's Drainage Section has raised no objection subject to drainage details being approved by the Council prior to the commencement of the development. This would ensure the most appropriate method of drainage is utilised as part of the proposed development.

Ecology

As noted previously in this report, clearance works have taken place at this site prior to the submission of this application. These works have included the removal of trees towards the rear of the site which has led to residents raising concern over the ecological and visual impact of these particular works at the site. These concerns have been considered by the Council's Ecologist, however, he has advised that given the clearance works already undertaken, further survey work of the site is not required for this application. The removal of the trees did not require planning permission and therefore, only the impact of the operational development on the existing conditions can be considered. In relation to this, the Ecologist has suggested a landscaping scheme which is sympathetic to the surrounding wildlife.

Other Matters

With reference to the comments made by residents and the Community Council in relation to the enclosure of the two graveyards and the accessibility implications to the burial grounds, Members should note that the Council's Enforcement Section has investigated this matter and has assessed that planning permission is not required for the erection of the close board fencing around the perimeter of the two graves. The Local Planning Authority therefore has no control over access to the graveyards. The applicant has however confirmed that access would be maintained via two pedestrian gates located in the boundary wall fronting Llantrisant Road. The gate serving the western graveyard is proposed to remain as existing. The eastern graveyard would be served via a new pedestrian gate proposed as part of this application.

In relation to the matter raised in respect of air conditioning units erected at the Chapel, this is currently being investigated by the Council's Planning Enforcement Section and does not form part of this application. It is anticipated that a separate planning application will be received for the siting of the air conditioning units.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The concerns raised by residents and Pontyclun Community Council have been considered. However, the proposed development is not considered to adversely impact upon highway safety. The proposed works to the boundary wall and access are also considered to be acceptable from a visual amenity point of view and conditions are suggested to ensure that the materials utilised would match the existing finish of the wall. Regrettably, a number of trees have been felled to facilitate the provision of a car parking area however, the removal of the trees did not require planning permission and the ecological implications of the development have been considered as part of this application. The development is in compliance with the Local Development Plan and it is therefore recommended that the application is approved subject to the following conditions.

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. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

Proposed site layout - 070 - AL(90)01.
Proposed elevation from highway 070 - AL(90)02.
Site Location Plan - 070 - AL(90)00.

and documents received by the Local Planning Authority on 02/04/2015 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until a scheme detailing soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, to afford protection to

surrounding wildlife and to ensure that the development will be visually attractive in accordance with Policies AW5, AW6 and AW8 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 seasons following the completion of the development adjoining the areas to be so landscaped, 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: In the interests of residential amenity, to afford protection to surrounding wildlife and to ensure that the development will be visually attractive in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Building operations shall not be commenced until samples/details of the following have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample/details so approved.

- Sample of the stone proposed to be used for the boundary wall and piers;
- The finishing colour of the proposed vehicular and pedestrian gate;
- The finishing colour of the proposed iron railings;

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 .

6. No development shall take place until details of the construction of the car park shown on drawing number 070-AL (90)01, including levels, drainage and details of the finished surface have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the beneficial use of the car park and the car parking spaces shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety and to ensure adequate disposal of surface water drainage in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. 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:

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

- the parking of vehicles of site operatives and visitors,
- the management of vehicular and pedestrian traffic,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel cleansing facilities,
- 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 in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. 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
- 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.

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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

5 NOVEMBER 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

OFFICER TO CONTACT

**APPLICATION NO: 15/0453
WIDENING OF EXISTING
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ACCESS INCLUDING
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BOUNDARY WALL WITH
ADDITION OF PEDESTRIAN
GATE. ADDITIONAL PARKING
WITHIN THE SITE WITH
ASSOCIATED WORKS. AT
CHAPEL HOUSE, LLANTRISANT
ROAD, GROES-FAEN,
PONTYCLUN**

**MS C PULLEY
(Tel. No. 01443 494887)**

See Relevant Application File

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