

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015-2016**

**DEVELOPMENT CONTROL  
COMMITTEE  
18 FEBRUARY 2016**

**REPORT OF: SERVICE DIRECTOR  
PLANNING**

	Agenda Item No.7
<b>APPLICATION N0: 15/1507 - ERECTION OF TWO RESIDENTIAL BLOCKS COMPRISING EIGHT AFFORDABLE APARTMENTS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, LAND AT FORGE LANE, PENTRE</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application in accordance with the advice given.

**2. RECOMMENDATION**

To APPROVE the application in accordance with the advice given.

**3. BACKGROUND**

This application was originally reported to the Development Control Committee on 17<sup>th</sup> December 2015 with a recommendation from the Service Director, Planning that planning permission be granted (a copy of the original report is reproduced as **APPENDIX A**). Following consideration of the report Members resolved to defer determination of the application pending a site visit. (Minute 132 refers) which subsequently was held on 12th January 2016. The application was then reported to a meeting of Committee on 21<sup>st</sup> January 2016 (see **APPENDIX B**). At that meeting Members resolved that they were minded to refuse the application contrary to the recommendation of the Service Director, Planning for the reasons that the proposed development would result in overdevelopment of the site, there was insufficient parking available to serve the development, access arrangements for the site are poor and the development would result in a loss of privacy for residents. Accordingly, the matter was deferred to the next appropriate meeting of the Development Control Committee for a further report.

The principal planning considerations of the proposal are set out in detail in the report attached as **APPENDIX A**, and Members are respectfully asked to re-consider them ahead of making a decision on the proposal. In addition, the following comments are offered in relation to the concerns expressed by Members.

It is acknowledged that the development of the site for two residential blocks for eight apartments might at face value, seem an intensive use of the site. However, the principle of developing the site for residential purposes, that is, two pairs of semi-detached dwellings has already been established, reference 10/0885 with each pair of semi-detached dwellings measuring 11.6m wide by 9.3m deep by 7.7m high to ridge. Each apartment block by comparison will measure 10.3m wide by 12.2m deep by 8.8m high to their ridge and will have the appearance of a pair of semi detached dwellings. Members will note that the apartments although deeper than the previously approved dwellings are slightly narrower. The proposal also includes bin storage, cycle and off-street parking. Members are also advised that as the apartments will be constructed by a registered social landlord the development will meet Welsh Government Development Quality Requirements including space standards, accessibility and security. It is acknowledged that there is limited external amenity space for the apartments; however, there is a park adjacent to the site. Supplementary Planning Guidance: Development of Flats – Conversion and New Build advises that flats without outdoor space are more likely to be acceptable where high quality public open space is located close by.

The proposed development of eight one-bedroom apartments requires a maximum of nine off-street parking spaces in accordance with Supplementary Planning Guidance: Access Circulation and Parking. The proposed layout provides five off-street parking spaces leading to a shortfall of four spaces. Supplementary Planning Guidance: Development of Flats – Conversion and New Build advises that consideration will be given to the fact that residents of flats have lower car ownership than other types of households. Car ownership amongst social housing tenants is also lower than those associated with private owned housing. The site is also located in a sustainable location close to local amenities and public transport routes.

Access to the site will be gained via Forge Street which is a one-way street and has a carriageway width of 4.8m and continuous footpaths for residents and egress will be via Forge Lane which has a carriageway width of 5.6m along the site frontage. The principle of these roads being acceptable to serve as access for residential development on the site has previously been established, reference 10/0885.

Part of the front elevation of block B will be located approximately 18.5m from the front elevation of No. 3 Forge Lane, which is located in a raised position above the highway. The distance and relationship between the two buildings is considered to be sufficient to ensure that there would be no unacceptable degree of overlooking or loss of privacy between the two properties.

For the above reasons it is considered that refusal of planning permission on grounds of overdevelopment, insufficient parking, poor access arrangements and loss of privacy for residents will lack weight and will prove difficult to sustain in the event of an appeal being lodged. However, if after further consideration of the matter Members are minded to refuse planning

permission then the following reasons are suggested that reflect their concerns:

1. The development by virtue of its layout, scale and number of apartments would result in an over development of the site contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development is contrary to Policy AW5 of the Rhondda Cynon Taff Local Development Plan as it would result in an unacceptable loss of privacy to the occupiers of No 3 Forge Lane.
3. In the absence of adequate off-street parking facilities, the proposed development would generate additional on-street parking in an area where there is already considerable demand leading to unacceptable highway safety concerns to the detriment of safety of all highway users and free flow of traffic, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
4. The proposed development will generate additional vehicular and pedestrian movements to the detriment of highway and pedestrian safety, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
5. Forge Street is sub-standard in terms of junction radii and vertical alignment and therefore any intensification of use would increase risk to all highway users, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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## APPENDIX A

**APPLICATION NO:** 15/1057/10 (JAW)  
**APPLICANT:** RCT Homes  
**DEVELOPMENT:** Erection of two residential blocks comprising eight affordable apartments, car parking, landscaping and associated works.  
**LOCATION:** LAND AT FORGE LANE, PENTRE, CF41 7AE  
**DATE REGISTERED:** 29/10/2015  
**ELECTORAL DIVISION:** Pentre

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### RECOMMENDATION: APPROVE

#### REASONS:

The principle of the proposed development is considered acceptable.

The proposal is in keeping with policies AW1, AW2, AW5, AW6 and NSA12 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 and parking.

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### APPLICATION DETAILS

Full planning permission is sought for the erection of two residential blocks comprising eight affordable 1 bed- apartments on land at Forge Lane, Pentre.

The proposed buildings will measure 10.3m wide by 12.2m deep. The buildings will be 8.8m high to their ridge. Each building will accommodate four one-bedroom apartments two on each floor, with each apartment having its own access. The first floor apartments (both buildings) will be accessed from the front of the building. The ground floor apartments (both buildings) will be accessed one from the northern and one from the southern side elevation.

The proposal is to provide 5 parking spaces, a cycle parking area and bin storage areas within the site curtilage. A retaining wall is proposed along the rear of the site which will be approximately 3.3m high:

- The application is accompanied by the following:
- Design and Access Statement
- A Preliminary Ecological Appraisal
- A Desktop Coal Mining Risk Assessment
- Ground Investigation Report
- A Tree Survey

### SITE APPRAISAL

The application site comprises vacant land located to the western side of Forge Lane. The site is flat and open, albeit a steep bank occupies the western boundary at its rear. The immediate surrounding area is characterised by modern detached and semi-detached houses opposite the site in Forge Lane; otherwise neighbouring development is generally more traditional two-storey housing.

To the rear of the site and located at a higher level is Pentre Park. Immediately above the site is a grass verge that has six cherry trees, beyond which is the access to the Parks Depot for the Rhondda.

Vehicular access is via a one-way system via Forge Street onto Forge Lane.

## **PLANNING HISTORY**

10/0885 – Construction of 4 semi-detached houses – Approved 23/11/10

## **PUBLICITY**

The application has been advertised by direct neighbour notification letters and site notices. A total of four letters have been submitted raising the following concerns:

- The area has a large number of dwellings allocated as affordable units, with some unoccupied and others not fit for habitation. Would it be more prudent for the local authority to renovate the existing dwellings rather than build new to ensure affordable housing targets are met?
- The building of more flats would be over-development of the area and affect the 'family' aspect of the neighbourhood. The behaviour from occupiers of existing flats in the area is a problem.
- Residents are concerned that the access is a narrow one-way street frequently used by pedestrians and cyclists. Any more parked cars would put their safety in jeopardy.
- Some residents currently have to use the application site to manoeuvre out of their parking spaces.
- Residents point out that there are existing on-street parking problems in Forge Street and Forge Lane and there is concern with regards to access for emergency service vehicles
- Residents point out that five parking spaces for eight units would not even provide 1 space per unit, well below recommended levels. On-street parking is an existing problem, particularly being so close to the park/bowling green and Astroturf.
- Development would deplete the public open space and green areas in the vicinity and there would be loss of open views over the site.
- Lack of privacy between windows in No 3 Forge Lane and proposed flats and overlooking rear gardens of dwellings in Forge Street.

- The occupiers of 3 Forge Lane are concerned there will be a reduction in natural sunlight to their property.
- Some residents are concerned there would be an increase in noise in a quiet street.
- Reduction in property value of existing dwellings.

## **CONSULTATION**

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering – no objection subject to a condition requiring a scheme for surface water drainage

Public Health and Protection – no objection subject to conditions and advisory notes

Natural Resources Wales – no objection.

Welsh Water – no objection subject to conditions and advisory notes.

Wales and West Utilities - raise no objection to the proposed development and provide details of the location of their apparatus in the vicinity of the application site along with details of safe working practices to be adopted when working in the vicinity of it.

South Wales Fire and Rescue Services – no observations received.

Countryside Section – no objection subject to conditions

Structural Engineer – requires a condition requesting design details and structural calculations for the proposed retaining wall

Coal Authority – no objection subject to an advisory note.

Police Authority – no objection

GGAT – no objection.

## **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 Pentre and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities.

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.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA12 – Development within and adjacent to settlement boundaries.

### **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.

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), 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 the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

Manual for Streets

Supplementary Planning Guidance: Development of Flats

### **REASONS FOR REACHING 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 purposes 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 and parking.

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 the proposed development**

The application site consists of vacant land which under the provisions of the Local Development Plan is within settlement boundaries and is unallocated. The site has previously been granted permission for the development of two pairs of semi-detached dwellings, which time expired in November 2015, in this respect it is considered that the principle of the development of the site for residential purposes has previously been established. The proposal 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 location close to local amenities and public transport, with both bus and rail stops in close proximity.

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.

### **Impact on the 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 proposed scheme is for a total of eight one bedroom flats, with four flats in each building arranged over two floors. The proposed flats are 'walk-up' design, which are two storey buildings with separate entrance points. The front elevation of both buildings has the appearance of a pair of semi-detached dwellings. The materials proposed include stone walls and tiled roofs. The surrounding area comprises a modern designed detached and pair of semi-detached dwellings set back from the highway located opposite the site and more traditional terraced dwellings and a more recent link of dwellings in Forge Street all set at the back of the pavement. Existing materials in the area comprise a mixture of face brick, spar-dash and render walls and tiled roofs. It is considered that there is no consistent architectural style in the area, therefore the scale, siting, design and external materials of the proposed buildings would be acceptable.

The proposed layout includes railings to the rear of the proposed parking spaces to provide some defensible space for the small areas either side and between the two buildings. These areas will accommodate cycle parking and bin storage areas. There is some concern with regards to the location and number of bin storage areas, that is, six for the eight flats, a condition is therefore recommended to require a revised layout for the bin storage and cycle parking areas, which shows one bin store per flat.

The proposal is 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.

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

With regards to the impact on neighbouring residential amenity, concern has been raised with regard to loss of privacy to the occupiers of No. 3 Forge Lane located opposite the site and to the rear gardens in Forge Street. It is acknowledged that there will be some overlooking between the front windows in No 3 Forge Lane and two bedroom windows (ground and first floor) of the proposed flats. There will be a distance of approximately 18.5m between the habitable room windows. Given this distance it is considered that the degree of overlooking and loss of privacy would not be so great an extent as to warrant the refusal of this application. There are no windows in the pine end of 7 Forge Street and no windows will overlook the rear gardens of properties in Forge Street.

The proposed buildings are two storey high and located in excess of 18m from the front elevation of No 3 Forge Street it is not considered that there will be an unacceptable reduction in natural sunlight to this property.

Residents have raised concern that the building of more flats would be over-development of the area, affect the 'family aspect' of the neighbourhood and there are existing problems with behaviour from occupiers of existing flats in the area. It is acknowledged that there are a number of flats located in the area, with a number on Ystrad Road, however, the Council's Housing Section has advised that the local market housing assessment for 2015/16 has indentified a need for 5 additional 1 bed flats per annum within Pentre from 2014/15 to 2019/20, that is, 25 units over the next five years. There is also a shortfall of smaller units within the social housing stock and a lack of affordable, sustainable one bedroom provision in the vicinity. Therefore, the need for such development is satisfied. It is considered that the 'walk-up' design of the proposed development is more likely to render the units as more sustainable, with tenants turn over likely to be far lower than in other types of flats and the lack of communal spaces minimises the scope for anti-social behaviour. It is therefore considered that the 'family aspect' of the area would not be affected to an unreasonable extent by the proposed development. There is also no evidence to suggest that the proposed development would increase noise levels in Forge Lane/Street to an unacceptable degree.

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 development 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.

### **Access and highway safety**

Issues related to access, parking and highway safety are of concern to local residents. The Transportation Section acknowledges the concerns of residents

however, on balance, has raised no objection to the proposed development for the following reasons

The proposal is served off Forge Lane which is part of a one-way system. Forge Street leading to the site has a carriageway width of 4.8m and Forge Lane has a carriageway width of 5.6m along the site frontage. There are continuous footways to the front of existing dwellings that vary between 1.2m and 1.8m which are below the current standard of 2.0m. The 1.2m footway proposed across the site frontage will be similar to existing footways in the area and will allow access for disabled pedestrians and persons with small children. For this reason it is considered that the proposal is acceptable in terms of vehicular and pedestrian access.

Residents point out that five parking spaces for eight units would not even provide 1 space per unit, well below recommended levels. On-street parking is an existing problem, particularly being so close to the park/bowling green and Astroturf. The proposed development of eight one-bedroom apartments requires a maximum of nine off-street parking spaces in accordance with Supplementary Planning Guidance (SPG): Access, Circulation and Parking June 2015 for flats (one space per flat and one visitor space). The proposed layout provides for five off-street spaces leaving a shortfall in the maximum requirement of four spaces. However, this SPG recognises that a more flexible approach to numbers of parking spaces may be taken. Taking into account the fact that the proposal is located in a sustainable location with public transport routes and local amenities close by and the fact that the levels of car ownership amongst social housing tenants is lower than those associated with privately owned housing, the level of car parking provided, on balance, is considered acceptable.

Residents have raised concern that there are existing parking problems in Forge Street and Forge Lane, especially due to the close proximity of the park, bowling green and Astroturf. It is noted that parking is an existing problem in the area, which at certain times, such as, during matches on the Astroturf the problem is at its highest. Residents concern with regards to access for emergency vehicles is also noted. Forge Street and Forge Lane are part of a one-way system and there is limited space for on-street car parking to take place without affecting the free flow of traffic. Should on-street parking be taking place that is blocking access generally and in-particular emergency vehicles then this is a matter for the highway authority to address, that is, consideration whether parking restrictions are required in the way of double yellow lines. However, it is not considered that the proposed development which has a shortfall in maximum parking spaces would make the existing parking problem materially worse.

Concern has been raised that residents currently have to use the application site to manoeuvre out of their parking spaces. Forge Lane has a carriageway width of 5.6m across the site frontage; there is no reason why access over private land should be required for vehicles manoeuvring out of existing parking spaces.

In light of the above the proposed development is considered compliant with those elements of local development plan policies AW5 and NSA12 that are relevant to the consideration of the issues of access, parking and highway safety.

## **OTHER ISSUES**

### **Ecology**

In terms of the ecology of the site the applicants have provided an ecology appraisal, which has been subject to scrutiny by the Council's Ecologist. The general habitat of the site is no higher than of very local significance, however the ecology work did record a slow worm and it highlights the likely potential for nesting birds. The Council's Ecologist has indicated that the findings of the report are acceptable subject to a condition requiring the agreement of a Wildlife, Protection and Mitigation Plan.

### **Relationship of site with park to rear**

The site rises steeply at its rear. Above the site is a small verge area and an access road that serves as the access to the parks depot for the Rhondda area which is used by heavy traffic. The Council's Structural Engineer has visited the site and recommends a condition to require the submission of design calculations and structural calculations for the retaining wall, which will need to be load bearing to support the traffic using this access. The finishing materials of the retaining wall will also be important in this residential area. A condition will also be required to agree the means of enclosure above the retaining wall for security, amenity and safety purposes.

There is a small verge area immediately above the retaining wall, which has a row of six cherry trees, which have some amenity value, this area has been included within the application site (although lying on Council land). A tree report has been submitted which shows five of the six trees to be in fair to poor condition and 1 tree to be in poor condition. It is considered that the roots of these trees are likely to be damaged by the construction of the retaining wall. The Council's Tree Officer has raised no objection to the loss of the cherry trees subject to the trees being replaced. However, it is not good practice to plant new 'prunus species', as soil borne diseases can prevent the establishment of new tree plantings. Therefore, a condition requiring the species, size and shape of the replacement trees is recommended to ensure they have amenity value and be suitable both along this narrow verge and in close proximity of residential properties.

### **Coal Mining**

The application site lies within an identified area of risk from coal mining activities and accordingly a Coal Mining Risk Assessment Report was received with the application. The Coal Authority considers that the content and conclusions of the report are sufficient for purposes of the planning system and meet the requirements of Planning Policy Wales and has therefore raised no objection to the proposed development and recommends an informative note to the developer to contact the Coal Authority should any unrecorded coal mining features be unexpectedly encountered during development.

### **Site Investigation**

The Council's Public Health and Protection Section has advised that a search of records relating to potentially contaminating past land uses has shown that a colliery formerly occupied the application site. Therefore, there is a potential for contamination to exist on site. The application has been accompanied by a site investigation report. At the time of writing this report the comments of the Council's Contaminated Land Officer in respect of the contents of the report is awaited. It is therefore recommended that notwithstanding the submitted report a site investigation condition is attached to any planning permission.

### **Concerns of Residents not addressed above**

The concerns of residents are largely dealt with in the assessment above, particularly those dealing with parking and access. However the following points still need to be addressed.

There is concern that the development would deplete the public open space and green areas with a loss of open views over the site. The principle of residential development of the site has previously been established and there is a public park within the immediate vicinity. There is no right to a view over private land that the planning system should protect.

There is no evidence that the proposed development would reduce house prices in the area, however, this is not a matter for the planning system to address.

It is suggested that the empty properties in the area should be brought back into use rather than building new. There are likely to be a number of reasons why there are a number of empty dwellings/properties in the area, such as, land ownership and not providing the type of accommodation required by a developer/purchaser. As discussed earlier in the report a need for the proposed units has been demonstrated.

### **Community Infrastructure Levy (CIL) Liability**

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010, (as amended) however, the application site lies in zone 1 of Rhondda Cynon Taf's Charging Zones, where a nil charge is applicable and therefore no CIL payable.

### **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 parking, and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

**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):

- Site Location Plan - Drawing No A001 Revision A- Amended Plan - received 29/10/15
- Existing Site Layout/Survey - Drawing No A002 - Received 31/07/15
- Proposed Site Layout - Drawing No A003 Revision E- Amended Plan received 29/10/15 Block A and B Ground Floor Plan - Drawing No A004.1 Revision C - Amended Plan received 29/10/15
- Block A and B First Floor Plan - Drawing No A004.2 Revision B - Amended Plan received 29/10/15
- Block A Proposed Elevations - Drawing No A005 Revision C - Amended Plan received 29/10/15
- Block B Proposed Elevations - Drawing No A006 Revision B- Amended Plan received 29/10/15
- Proposed Context Elevations - Drawing No A007 Revision C - Amended Plan received 29/10/15

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. Notwithstanding the details on Drawing No. A003 Revision E a revised layout showing 1 bin store per apartment and details of the cycle parking to promote sustainable modes of travel has been submitted to and approved in writing by the Local Planning Authority. The approved bin storage and cycle parking areas shall be implemented prior to the first apartment being brought into beneficial use and retained as such thereafter.

Reason: In the interests of a satisfactory level of bin storage facilities and to promote sustainable modes of travel in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. No building operations shall commence 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. No development shall take place until drainage arrangements for foul and surface water have been submitted to and approved in writing by the Local Planning Authority. No apartment 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.

6. Prior to the development being brought into beneficial use the means of access, together with the parking facilities shall be laid out in accordance with the submitted plan A003 Rev C and in accordance with materials that have first been approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until details of the site boundary setback to provide for a 1.2m footway/vehicular crossover including construction details and tie-in details with Forge Lane 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 and implemented prior to beneficial occupation of the first apartment.

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

8. HGVs used as part of the construction works shall be restricted to between 09:00 am and 16:30 pm on weekdays, with no deliveries on weekends or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall commence until constructional design details, including external materials and calculations of the retaining wall has been submitted to and approved in writing by the Local Planning Authority. Development shall be fully completed in accordance with the approved details prior to the first of the apartments hereby approved being brought into beneficial use.

Reason: In the interests of safety and visual amenity in accordance with Policies DCP14, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model
  - b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.
  - c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

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

11. No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including the boundary treatment above the proposed retaining wall. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive and secure in the interests of amenity and safety in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until a Wildlife Protection and Mitigation Plan



has been submitted and approved in writing by the local planning authority. The plan shall include:

1. An appropriate scale plan mapping the location of features covered in the Plan;
2. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
3. A timetable to show phasing of construction activities in relation to protected species
4. Details of specific mitigation measures for nesting birds (including built in nest box provision), bats (including built in bat box provision), reptiles and excavation works.
5. Persons responsible for:
  - a) Compliance with legal consents relating to nature conservation;
  - b) Compliance with planning conditions relating to nature conservation;
  - c) Installation of physical protection measures during construction;
  - d) Implementation of sensitive working practices during construction;
  - e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - f) Specific species and Habitat mitigation measures
  - g) Provision of training and information to all construction personnel on site.

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: In the interests of animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall commence until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, including a scheme for the replacement of the six cherry trees, which shall include indications of all existing trees (including spread and species) 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 (visual and residential) in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. 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 (visual and residential) in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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Development Control Committee Agenda - 21 January 2016

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2015-2016

#### DEVELOPMENT CONTROL COMMITTEE

21 JANUARY 2016

#### REPORT OF THE DIRECTOR LEGAL AND DEMOCRATIC SERVICES

#### Agenda Item No.5(1)

**SITE MEETING  
APPLICATION NO. 15/1057 – ERECTION  
OF TWO RESIDENTIAL BLOCKS  
COMPRISING EIGHT AFFORDABLE  
APARTMENTS, CAR PARKING,  
LANDSCAPING AND ASSOCIATED  
WORKS – LAND AT FORGE LANE,  
PENTRE**

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

#### 1. PURPOSE OF THE REPORT

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

#### 3. BACKGROUND

- 3.1 In accordance with Minute No.132(1) (Development Control Committee, 17 December 2015), a site inspection was undertaken on Tuesday, 12 January 2016 to consider matters concerning highways, the retaining wall and contaminated land.
- 3.2 The meeting was attended by the Chair and Vice-Chair of the Development Control Committee (County Borough Councillors G.Stacey and M.Griffiths) and Committee Members - County Borough Councillors P.Jarman, (Mrs) S.J.Jones, R.Lewis, P.Wasley and E.Webster. Non-Committee/Local Member: County Borough Councillor S.Rees-Owen was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, J.Bonetto, C.J.Middle and (Mrs) J.S.Ward.
- 3.4 Members viewed the application site which comprised vacant, flat and open land with a steep bank at the rear and were advised by the Development Control Officer that full planning permission was being sought for the erection of two residential blocks comprising eight affordable 1 bed-apartments. Each building would accommodate four apartments, two on each floor, with each apartment having its own access. The first floor apartments would be accessed from the front of the building and the ground floor apartments would be accessed from side elevations. Five parking spaces, a cycle parking area and bin storage areas within the site curtilage were also being proposed along with a retaining wall along the rear of the site which would be approximately 3.3 metres high.
- 3.5 Members noted that to the rear of the site and located at a higher level was Pentre Park, also immediately above the site was a grass verge with six Cherry trees and behind that was access to the Parks Depot. Members also noted that vehicular access to the site was off a one-way system via Forge Street onto Forge Lane.
- 3.6 With regard to issues concerning access, parking and highway safety, the Transportation Officer confirmed that, on balance, there was no objection raised to the proposed development subject to conditions. He stated that the proposed development of eight one-bedroom apartments required a maximum of nine-off street parking spaces, i.e. one space per flat and one visitor space but taking into account the fact that the proposed development was located in a sustainable location with public transport routes and local amenities close by and the fact that the levels of car ownership amongst social housing tenants was lower than those associated with privately owned housing, the level of car parking provided was considered acceptable.
- 3.7 Non-Committee/Local Member – County Borough Councillor S.Rees-Owen spoke on the application highlighting concerns about the proposed retaining wall and the fact that the access road at its rear served the Park Depot and was used by heavy traffic.
- 3.8 In response, the Council's Structural Engineer stated that the proposed retaining wall would need to be load bearing to support the traffic using the access road and necessary conditions would be imposed. It was also noted that the existing row of Cherry trees were likely to be damaged by

the construction of the retaining wall and, therefore, a condition requiring their replacement was recommended.

- 3.9 The Local Member also enquired as to whether the comments of the Council's Contaminated Land Officer had now been received in respect of the proposal. The Contaminated Land Officer was present at the site meeting and informed Members that whilst some solid spots of contamination had been found on the site, the developer had put forward a method of dealing with the issue which was considered acceptable.
- 3.10 The Local Member then raised a concern about overlooking into the property situated opposite the application site. In response, she was informed by the Development Control Officer that whilst there would be an element of overlooking, this would not be significant enough to justify refusing the application. The distance between the two would be 18.5 m which was considered acceptable in view of the locality. It was also noted that the property situated opposite the site was built on a higher level than the site of the proposed development.
- 3.11 The Local Member then outlined her concerns relating to highway and pedestrian safety during construction and in view of the high levels of visitors to the Park. The Transportation Officer stated that the proposal includes provision of a footway along the site frontage and on-street parking could be exacerbated at certain times such as during matches on the Astroturf. The Highway Officer also stated that the proposed development provides a reasonable level of curtilage parking and cycle storage, which coupled with the sustainable location of the site and one-way system was considered acceptable and suggested that if Members were minded to approve the application then consideration could be given to imposing an additional condition requiring the developer to submit a construction Method Statement and Traffic Management plan for approval prior to any works commencing on 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**

**18 FEBRUARY 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATION N0: 15/1507 -  
ERECTION OF TWO RESIDENTIAL  
BLOCKS COMPRISING EIGHT  
AFFORDABLE APARTMENTS,  
CAR PARKING, LANDSCAPING  
AND ASSOCIATED WORKS, LAND  
AT FORGE LANE, PENTRE**

**OFFICER TO CONTACT**

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See Relevant Application File