

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016:

**DEVELOPMENT CONTROL
COMMITTEE
3 MARCH 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.5
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No: 15/0379 - Residential development for 9 dwellings (amended plans and description received 18/01/2016), former Robins Yard, off Cardiff Road, Newtown, Mountain Ash.
2. Application No: 15/1572 - Details relating to access, appearance, landscaping, layout and scale of planning permission 13/0364/15.(18 no. flats), former Little Theatre, Depot Road, Gadlys, Aberdare.
3. Application No: 15/1644 - Proposed erection of a four bedroom detached house, land to the rear of No 19-32, Railway Terrace, Cwmparc.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 15/0379/10 (HL)
APPLICANT: Mr Neil Edwards
DEVELOPMENT: Residential development for 9 dwellings (amended plans and description received 18/01/2016)
LOCATION: FORMER ROBINS YARD, OFF CARDIFF ROAD, NEWTOWN, MOUNTAIN ASH, CF45 4HF
DATE REGISTERED: 18/01/2016
ELECTORAL DIVISION: Mountain Ash East

RECOMMENDATION: Approve

REASONS:

The application is located within the settlement development limits of Mountain Ash and is in keeping with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of layout, design, and density its impact on residential amenity, highway safety, drainage and ecology.

The application proposes the development of nine residential units on previously developed land, located within the defined development limits of Mountain Ash. As such the principle of residential development is considered acceptable. The principle has also been positively established by the granting of outline and full consent for residential development of the site.

REASON APPLICATION REPORTED TO COMMITTEE:

The application proposes the development of nine residential units and as such it not covered by determination powers delegated to the Service Director Planning;

APPLICATION DETAILS

Full planning permission is sought for the construction of 9 dwellings on the former Robin's Yard, Cardiff Road, Mountain Ash.

The development would comprise of the following: three detached, two storey dwellings and six, semi-detached, two storey dwellings. Four of the units (numbers 2, 3 4 and 5) development would be served by a single, centrally positioned cul-de-sac highway leading from Cardiff Road to the north-east. Units 1, 6, 7 and 8 would be accessed directly from Cardiff Road. Details of the property type and plot allocation are given below:

- unit 1: detached, two storey, four bedroom dwelling positioned to the south-west of 3 Usk Villas. The dwelling would measure 9m wide, 9.9m deep including an integral garage with a maximum height of 7.6m falling to 4.8m at eaves level. The property would benefit from its own driveway leading from Cardiff Road to the north-east of the site, adjacent to 3 Usk Villas.
- unit 2: detached, two storey, 4 bedroom dwelling measuring 6.8m wide, 9.2m deep with a maximum height of 8.4m falling to 4.9m at eaves level. The dwelling would be positioned to the west (rear) of 1-3 Usk Villas and would be orientated to face north-west overlooking the side elevation of unit 3. Access would be via the proposed cul-de-sac.
- unit 3: detached, two storey, 3 bedroom dwelling, measuring 9.2m wide, 6.2m deep with a maximum height of 7.5m falling to 4.9m at eaves level, The dwelling would be orientated to face north-east overlooking the cul de sac highway and the south-eastern (rear) elevations of units 8 and 9.
- units 4 to 9: semi detached, two storey, 3 bedroom dwellings, each measuring 5.75m wide, 8.6m deep with a maximum highway of 8.1m falling to 4.9m at eaves level. Units 4 and 5 would be developed within the north-eastern part of the site, overlooking the cul-de-sac. Units 6 and 7 would be developed in the northern part of the site to the south -east of 4 The Laurels and would be street fronted overlooking Cardiff Road. Units 8 and 9 would also front Cardiff Road and would be developed to the north-west (side) elevation of 1 Usk Villas.

All the properties would benefit from at least two off street parking spaces and enclosed rear gardens. With regard to external materials, a mix of render and brick with concrete roof tiles and uPVC windows and doors are proposed.

The application is accompanied by the following:

- Design and Access Statement;
- Envirocheck Report;
- Speed Survey; and
- Contaminated Land Risk Assessment.

SITE APPRAISAL

The site comprises a vacant plot of unallocated, brownfield land located within the defined settlement boundary of Mountain Ash and between the terraced dwellings known as The Laurels to the north and Usk Villas to the south. A public sewer runs through the western part of site. To the west and south is an area of vacant land which has been included in the Regeneration Marketing brief for the Cwm Cynon North Business Park. Cardiff Road borders the eastern boundary with the embankment and route of the A4059 (New Road), which is significantly raised relative to the site, beyond.

The plot is irregular in shape with an area of 0.24 hectares. Whilst the site was formerly occupied two commercial small scale industrial buildings these were demolished between 2006 and 2010 leaving a *large and at present, fairly unattractive open area of land positioned between the terraced properties to the north and south.*

The site is generally flat and level with the properties to the north. Whilst the internal ground floor level of Usk Villas to the south-east is also roughly level with the site, the lower ground floor level is set significantly below, with a substantial retaining wall provided between the application site and existing dwellings. The boundaries of the site are generally secured by post and wire fencing.

PLANNING HISTORY

06/1655	Detached dwelling	Withdrawn 21/10/10
06/1321	Residential development- 5 No dwellings Vehicle Canopy	Granted 09/07/07
04/0677	Outline for residential use	Granted 23/07/04
97/4436	Change of use to service repair and maintenance of commercial vehicles with parking facilities	Refused 13/03/98 Appeal Dismissed 14/09/98
97/4105	Retention of existing use as a waste transfer station	Refused 23/06/97
93/0069	Variation of conditional consent 81/0290 to use premises for tyre and exhaust systems fitting	Refused 05/08/93
91/0267	Proposed erection of two bungalows	Granted 01/06/92
89/0684	Retention of existing vehicular access	Refused 19/03/90
86/0406	New entrance to garage/ transport yard	Refused 25/06/87 Appeal Withdrawn 21/07/89
84/0021	Storeroom extension and alterations to provide new	Granted

	garage roof	20/06/84
82/0290	Raising of land and garage and resiting of diesel fuel tank	Granted 07/09/82
74/0029	Motor repair workshop and sale of motor vehicles	Refused 19/06/74

PUBLICITY

The original and amended drawings have been the subject of consultation via neighbour notification letters, the erection of site notices and the publication of a press notice. No letters of objection or representation have been received.

CONSULTATION

Transportation Section - no objection subject to conditions.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions. Following the submission of a land contamination report it is recommended that a Phase 2 investigation be carried out prior to the commencement of development.

Natural Resources Wales –no objection.

Dwr Cymru/Welsh Water – confirm that part of the site is crossed by a public sewer. No objection subject to conditions.

Wales and West - no objection.

Countryside, Landscape and Ecology – no objection subject to an appropriate bat informative note being placed on any planning permission

Glamorgan Gwent Archaeological Trust - raise no objection. The area was an agricultural enclosure during the later part of the 19th Century. To the west of the site lay a number of railway lines associated with the Navigation Colliery and its spoil tips which lies to the north west of the development area but do not encroach into it. It is unlikely that any archaeological resources will be encountered during the proposed work.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 expresses the strategy for the northern area of the County Borough. The policy promotes the re-use of previously developed sites.

Policy AW1 identifies the supply of new housing that needs to be delivered during the plan period.

Policy AW2 supports development in sustainable locations, such as sites within the settlement boundary, where development does not conflict with surrounding existing uses, which have access to sustainable transport options and have access to services.

Policy AW5 supports developments where they accord appropriately in terms of amenity and accessibility.

Policy AW6 supports development which has a high standard of design and layout.

Policy AW10 seeks to ensure development proposals will not cause or result in a risk of unacceptable harm to health or local amenity

Policy NSA2 supports proposals for residential and commercial development within Key Settlements subject to criteria

Policy NSA10 seeks a minimum housing density of 30 dwellings per Hectare and gives criteria for accepting lower densities.

Policy NSA12 gives further criteria for suitable housing development within and adjacent to settlement boundaries.

Policy NSA15 identifies criteria for the potential redevelopment of small industrial and business sites.

Policy NSA16 refers to the re-development of vacant and redundant industrial sites.

The following Supplementary Planning Guidance documents are also applicable,-

- Access, Circulation and Parking.
- Design and Placemaking.

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 (Edition 8 January 2016):

- Chapter 2 (Local Development Plans),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 8 (Transport) and
- Chapter 9 (Housing) 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 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 key considerations with regards to the application have been determined as the impact on the proposal on the character and appearance on the area, the residential amenity of those living closest to the site and highway safety.

Main Issues:

Principle of the proposed development

The application proposes the development of nine residential units on previously developed land, located within the defined development limits of Mountain Ash. As such the principle of residential development is considered acceptable. The principle has also been positively established by the granting of outline and full consent for residential development of the site.

Impact on the character and appearance of the area

As specified above the application proposes the development of nine residential units provided by way of three detached dwellings and six semi-detached dwellings. The density of development currently proposed equates to 37.5 dph and as such is compliant with the requirements of policy NSA10.

Although screened from the main vehicle access to Mountain Ash, the site is prominent from Cardiff Road and the existing residential properties closest to the site. However, it is considered that the design, size and scale of the dwellings proposed in association with the density and arrangement, represent an acceptable infill and would integrate positively with the area. In general is also considered that the materials proposed would be in keeping with those in the immediate area. Although, more modern in appearance relative to the terraced dwellings either side of the main entrance, it is considered that this development proposed would blend

with the existing built form and provide an appropriate, acceptable and positive infill that would make beneficial reuse of the existing unsympathetic empty space.

On the basis of the above it is considered that the development would not have a detrimental impact on the overall character and appearance on the area and is compliant with the requirements of policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity

As specified above the plot is positioned to the south-east of the terraced dwellings known as The Laurels and to the north, west and south of the three terraced properties that make up Usk Villas. Following negotiations, amended plans have been received indicating that the proposed dwellings would be positioned and orientated to prevent direct overlooking of the existing properties. Whilst the positioning of the dwelling on plot number two to the west of Usk Villas, in association with the change in levels between the lower ground floor level and the application site would generate some increased overshadowing and loss of light to the rear elevation of Usk Villas during the afternoon, it is considered that the maintenance of at least 12.8m distance between the existing and proposed dwellings would prevent the development from being so detrimental to warrant refusal of the application on such grounds. Following direct neighbour notification and the erection of site notices with regard to the original and amended scheme, no objections or representations have been received.

On the basis of the above it is considered that the development is compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

Following consultation with regard to the amended plans, the Transportation section have provided the following response:

"Cardiff Road varies in width from 7.3 to 5.9m at the site frontage and is acceptable to serve the proposal and has bollards in place to prevent through traffic travelling north towards Mountain Ash town centre. There are two full size turning area located either side of the proposed site access which are satisfactory for delivery and emergency service vehicles to access egress in forward gear which is acceptable.

The proposed shared access serving plots 2, 3, 4 and 5 is satisfactory and in accordance with the Council's standard details for a private shared access serving less than five dwellings and is therefore acceptable. The provision of a bin storage area adjacent to the private shared access is also satisfactory.

A speed survey undertaken in July 2015 indicated a maximum 85th percentile wet weather speed of 27mph which requires a visibility splay of 2.4m x 34m in both

direction, The submitted plan indicates that this is achievable within the site curtilage and existing highway by extending the width of footway fronting the site to accommodate the vision splay.

The proposal provides for two off-street parking spaces per dwelling with three visitor spaces, Although this is below the requirement specified in the SPG Access, Circulation and Parking 2011, taking into account the sustainable location of the proposal, close to public transport within walking distance of Mountain Ash town centre and the relatively small scale of the dwellings, the provision proposed is acceptable.

There are a number of vehicular crossovers required on Cardiff Road. one of which is existing but of concrete finish. This crossover will require replacing to a full flexible construction along with the other five. However, no information has been submitted with regards to this matter and therefore a condition is suggested".

In conclusion, the developer has amended the scheme to overcome the previous highway safety concerns and the proposal is now acceptable with regards to highway and pedestrian safety, subject to conditions.

On the basis of the above and subject to the imposition of conditions, it is considered that the development would not be detrimental to the highway safely and free flow of pedestrian and vehicular traffic and is compliant with the requirements of policy AW5 of the Rhondda Local Plan

Other Issues:

Ecology

Although the site comprises a vacant former commercial plot there are numerous trees adjacent to the western boundary of the site. Following consultation the Authority's Ecologist has confirmed that there are no relevant records of statutory protected species within the immediate vicinity. However, it is recommended that an informative bat note be applied to any grant of consent.

Public Health and Protection

A Geological Envirocheck and Phase 1 Contaminated Land Risk Assessment have been submitted as part of the application. Following consultation, the Public Health and Protection Section have raised no objection with regards to the application but have recommended the submission of a Phase 2 be carried out with associated sampling of the site to determine possible risks of contamination, prior to works commencing on site. It is considered that this information can be secured by condition.

Although conditions are also recommended with regards to noise, dust and waste it is considered that these matter can be more efficiently controlled by other legislation with an appropriate note added to any permission.

Affordable Housing

The application initially proposed the development of 10 residential units and as such in compliance with Policy NSA11 would have been required to provide 1 unit of affordable housing to be made available for sale as Low Cost Home Ownership to a Council nominated first time buyer from the Homestep Register. However, following negotiations to overcome highways and design concerns and the development constraints generated by the position and buffer of a main sewer that crosses the site, the number of units proposed has been reduced to nine. As a result there is no longer any requirement to provide on site affordable housing provision.

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 liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

CONCLUSION

On the basis of the above, it is considered that the development proposed would make beneficial use of a vacant site and proposes a scheme that would integrate positively with existing development. It is considered that the proposal would support and reinforce the roles of the key settlement and would not have a detrimental impact on the character and appearance of the area, residential amenity or highway safety. It is also considered that matters with regard to land contamination can be appropriately mitigated by way of condition The application is therefore considered compliant with the relevant requirements of the policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to 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 No.s: site location plan, RY/16/01, RY/16/02; RY/16/03; RY/16/04; RY/16/05; Proposed Street Scene A01; and BS/1/015 and documents received by the Local Planning Authority on 20th March 2015 and 14th October 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. Prior to the commencement of development, a Phase 2 Land Contamination Investigation with associated sampling of the site, to determine possible risks of contamination and report shall be submitted to and approved in writing by the Local Planning Authority. The scope of works for the Phase 2 Investigation shall be agreed in writing with the Authority's Pollution and Public Health department prior to works being undertaken.

Reason: In the interests of public health and protection in compliance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. 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.

5. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out and constructed in accordance with the submitted plan RY/16/01 and approved by the Local Planning Authority.

Reason: In the interests of highway safety, in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x 34m metre vision splays. No obstruction or planting when mature, exceeding 0.9m in height shall be placed within the required vision splay.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety, in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the development being brought into use, 6^{no} vehicular footway crossings shall be provided in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

Reason: In the interests of highway safety and to prevent damage to the public highway and utility services, in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a. the means of access into the site for all construction traffic,
- b. the parking of vehicles of site operatives and visitors,
- c. the management of vehicular and pedestrian traffic,
- d. loading and unloading of plant and materials,
- e. storage of plant and materials used in constructing the development,
- f. wheel cleansing facilities,
- g. the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

9. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in

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

11. 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.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. Building operations shall not be commenced until samples of all of the external material 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.

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APPLICATION NO:	15/1572/16 (GD)
APPLICANT:	WD Lewis Limited
DEVELOPMENT:	Details relating to access, appearance, landscaping, layout and scale of planning permission 13/0364/15.(18no. flats)
LOCATION:	FORMER LITTLE THEATRE, DEPOT ROAD, GADLYS,

ABERDARE, CF44 8DL
DATE REGISTERED: 07/12/2015
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development has already been established as acceptable in the earlier grant of outline planning permission and its subsequent renewal and the details of access, appearance, landscaping, layout and scale associated with the current submission is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to Service Director Planning;

APPLICATION DETAILS

The current application seeks approval of reserved matters in respect of access, appearance, landscaping, layout and scale in respect of the Little Theatre Site at Depot Road, Gadlys Aberdare, outline planning permission for residential development having previously granted under application 11/0706 and subsequently renewed under application 13/0364.

The current proposal seeks consent for the construction of 18 no. flats in two blocks each of three storey height. The development will comprise 13 no. one bedroom flats, 2no. wheelchair accessible one bedroom flats and 3 no. two bedroom flats. The development is comprised in two separate blocks. Block A comprises the 3no. two bedroom flats and is located on the prominent corner adjacent to the Gadlys Road Roundabout. This building will have dimensions of 8m x 11m and will stand 12.2 m to its ridge. There is a gap of 11m between block A and block B due to the presence of a drainage easement and this area will be landscaped. Block B will contain the remaining flats and will measure 31m x 12 m and will stand 12 m high.

Whilst the levels of the site will undoubtedly be affected by the proposed development ground levels on the site will remain approximately 1.6m lower on site that the adjacent public footpath which links Depot Road and Gadlys Road, this would though be higher than the existing slab and ground levels currently on site by approximately 1m. on average. This however is not as high as the levels on the adjacent former girl's school.

Block A will be finished in a combination of render and stone panel cladding to the walls with a grey concrete tile roof. Block B will be finished with ashlar effect render to the ground floor with plain render above and a grey concrete roof tile.

Boundary treatments for the site will to some extent retain existing features such as the stone boundary wall on Gadlys Road and the highways concrete retaining wall on the link road and these will be augmented by the introduction of steel railings and additional retaining structures where appropriate around the proposed flats. Elsewhere around the parking area the boundary treatment will be formed in a combination of 1.2m and 1.8m high close boarded fencing along with a 0.6m high knee rail along its Depot Road Frontage.

A total of 16no car parking spaces will be provided on the eastern half of the site in approximately the same location as the existing car park and this area will be serviced by an improved access and turning head from Depot Road. Cycle storage will also be provided in a small area located adjacent to the northern boundary of the site as will the bin store to serve the development.

The application is accompanied by the following:

- Design and Access Statement:

SITE APPRAISAL

The Little Theatre is located at the roundabout between the A4233, Gadlys Road and the access road to Gadlys Pit Car Park. The site comprises a building formerly used as an amateur theatre and a car park for users of the building, and is accessed from Depot Road.

The site is 80 metres in length and is 20 metres wide at its widest point, and is a total of 0.17 hectares in area. It is presently on two different levels, with the car park in the north of the site being at a higher level than the building in the south.

PLANNING HISTORY

13/0364	Variation of condition 1 of consent 07/1106 to allow further time for the submission of reserved matters – Residential Development	Approved 12/06/14
11/0964	Proposed change of use from Former Little Theatre (sui generis) to window showroom, trade public counter & storage area (B8)	Approved 31/01/12
07/1106	Housing Development	Approved 28/08/18
00/4444	Temporary metal storage container (for approx. 5 years)	Approved 21/11/00

98/4451	Name sign on building and directional signs on land and wall	Approved 01/10/98
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96/0103	Structural alterations to roof together with re-roofing	Approved 29/03/96
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PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and no observations have been received.

CONSULTATION

Transportation – no objections subject to conditions.

Drainage – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions.

Natural Resources Wales – no observations received.

Dwr Cymru Welsh Water – no objections.

South Wales Fire & Rescue Service – no observations received.

Countryside – have no comments to make in respect of the application.

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

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

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

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

Relevant Supplementary Planning Guidance

- 1 Design and Placemaking
- 5 Affordable Housing
- 8 Access Circulation and Car Parking
- 10 Development of Flats
- 11 Employment Skills

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 8 (Transport),
- Chapter 9 (Housing),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;

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:

The principle that the proposed development is acceptable in planning terms has been well established in the original grant of outline planning permission and its subsequent renewal. The key issues therefore in the submission of this application for the approval of reserved matters are the impact of the proposed details on the character and appearance of the area, the impact on residential amenity and privacy along with access and highway safety issues,

The proposed building meets the requirements of the Council's supplementary planning guidance on the development of new build flats, particularly with regard to its call to recognise good urban design, providing accessible, sustainable buildings, and in this case the provision of a larger building as a local landmark in a key location.

Impact on the character and appearance of the area

The built form and design of the proposed buildings creates a terraced effect which is broadly in keeping with the character of the surrounding built environment, and responds appropriately to the surrounding street layout. The appearance of buildings, including the provision of front doors for ground floor flats, use of materials, and other details, shows consideration to characteristics of the surrounding built environment and includes amendments from earlier iterations of the proposals reflecting pre-application discussions. As such the buildings themselves fit in with other buildings that can be found in and around this part of Aberdare. In addition to this, Members should also keep in mind the fact that the existing site has been underused for a number of years and put to uses that sit less comfortably with the residential and educational uses immediately roundabout and furthermore, that the site currently presents a somewhat unkempt appearance at a highly visible location. As such, the proposed development would represent a substantial improvement in the character and appearance of the area when compared to the current status quo. Whilst the proposed dwellings will to a small extent obstruct views of the adjacent listed building these views are incidental and not integral to the special character of that building and as such the proposed development is considered acceptable.

Impact on residential amenity and privacy

The proposed development would alter the relationship of the site with surrounding development in a fundamental way due to the fact that a single storey non residential building will be replaced with two three storey blocks of residential flats. The nearest established residential property to the site is at 8 Gadlys Gardens which is 18m away from the proposed building and set at a lower level than the proposed development. However, it lies the other side of the A4233 spur which is the busy road linking Gadlys Road with the A4059 by pass road which is the prime factor when considering the issue of amenity in this area and the extent of the proposed development and the slight deflection that would exist between proposed and

existing dwellings makes this arrangement acceptable in planning terms generally and specifically in relation to the issues of privacy and amenity. Other residential properties are further distant from the site the next nearest property being Croft House on Depot Road itself which only has a blank gable facing the site.

Access and highway safety

The current details have been the subject of scrutiny by the Highways Section and they have concluded that subject to conditions the proposals are acceptable. In arriving at this conclusion they have considered access and pedestrian access, turning areas, parking provision (including cycle parking), retaining walls, and the need for vehicular restraint. Issues around access can be resolved through the imposition of a Traffic Regulation Order and the improvements that the development will bring forward. Parking and turning area provision is considered acceptable given the highly sustainable location, the fact that the site will provide social housing and the one for one provision of cycle storage. The provision of retaining wall details and vehicular restraints are matters that can be dealt with by condition. Some of the conditions requested have already been included in the renewal of outline planning permission 13/0364 and do not need to be reiterated in this consent; however those that respond to the details currently under consideration are recommended below.

Community Infrastructure Levy (CIL) Liability

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

As the application pursues the approval of reserved matters relating to the grant of an outline planning permission authorised before the Community Infrastructure levy was introduced there is no liability in this case.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of new residential development within settlement limits and is entirely acceptable in terms of the details now submitted for consideration as such, support is offered for the current proposals.

RECOMMENDATION: Grant

1. The consent hereby granted relates to the following plans -

Site location plan at scale 1:1250
Existing site plan drawing no. BBA 681.P.01
Site plan drawing no. BBA 681.P.02 (as amended)
Proposed site section plan drawing no. BBA 681.P.03

Block A proposed plans and elevations drawing no. BBA 681.P.04 Rev A.
Block B proposed floor plans drawing no BBA 681.P.05
Block B proposed elevations drawing no. BBA 681.P.06

Reason: For the avoidance of doubt as to the approved plans.

2. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed turning head including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. Details in relation to vehicle containment shall be provided and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

Reason: To ensure that vehicles are contained within the development site, in the interests of highway safety.

4. No works shall commence on site until details and design calculations of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway safety.

5. No development shall take place until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by

the Local Planning Authority.

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

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APPLICATION NO: 15/1644/10 (GW)
APPLICANT: Mr John Sterling
DEVELOPMENT: Proposed erection of a four bedroom detached house.
LOCATION: LAND TO THE REAR OF No 19-32, RAILWAY
TERRACE, CWMPARC
DATE REGISTERED: 14/01/2016
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Grant

REASONS:

A previous application (15/0911) was refused under delegated powers because that proposal would have had a significant detrimental impact on neighbours, a poor visual impact and a sub-standard access.

This amended proposal has been submitted to attempt to overcome the issues. Three objections have been received from local residents with regard similar issues to the previous refusal reasons.

It is considered however the amended dwelling would now have an acceptable visual impact on the character of the area and would not result in a significant detriment to the amenity of the occupiers of dwellings on Railway Terrace. The parking and access would be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached dwelling on a vacant piece of land to the rear of 19-32 Railway Terrace in Cwmparc. Members are advised a previous recent application (15/0911) was refused under delegated

powers. The reasons for the refusal were that: it would have resulted in a detrimental visual impact, a detrimental impact on the amenity of surrounding residents and a detriment impact to highway safety. This application has been amended to attempt to overcome those issues. The dwelling has been reduced in size and moved away from the affected dwellings and a different access is being proposed.

The dwelling would be two-storey with a front gable projection and would have a hipped roof. It would measure 10.6m in width, a maximum of 8m in depth and with a maximum height of 7.6m. The roof would be covered with a tile and the elevations would be finished with a render.

Vehicle access would be from a lane to the rear of Railway Terrace. The lane, which is indicates as being under the applicants control, has recently been reduced in width by the erection of a fence approximately 2.4m from the rear wall of dwellings on Railway Terrace. The proposed plans detail the lane would be approximately 4.1m in width. A garage with turning facilities would be provided to the rear of the dwelling.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The site is a vacant area of land within the settlement area of Cwmparc and to the rear of dwellings on Railway Terrace. To the north, the site slopes upwards towards the rear of dwellings and the Parc Hotel (Public House) on Park Road. These properties are at a higher level. Road access is via a narrow lane between Barrett Street and Railway Terrace. An open drain/culvert dissects the site from the northwest corner to the southeast one. At the time of the site visit a caravan and some storage containers were situated in the southeast corner.

PLANNING HISTORY

15/0911	Land to the rear of no 19-32, Railway Terrace, Cwmparc	Erection of a four bedroom detached house.	Refused 26/10/15.
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PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Three objections from local residents have been received at the time of writing this report and the contents are summarised below:

- The proposed development would not be in keeping with terraced properties and would be overpowered by the size of the house.
- The large garage would visually be at my back gate.
- We are now unable to access the rear lane because it has been fenced and gated. We had intended to use our existing hard stand, but can't now.
- There is a lack of detail of what it will look like, where it will be sited and where the access is.

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to drainage conditions.

Flood Risk Management – no objection subject to drainage condition including soakaway details.

Public Health and Protection– no objection subject to Building Control being informed and conditions on noise, dust and waste.

Transportation Section – no objection subject to conditions requiring access is laid out in accordance with the submitted plan, a footway vehicular crossover, boundary treatment to be reduced to 900mm, surface water not to discharge to public highway, details of traffic management and design calculations of retaining walls.

Wales & West Utilities – pipes are located within the locality of the site. Should the application be approved the developer must contact them to discuss their requirements.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 - supports new housing inside the settlement boundaries and allocated sites.

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

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

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

Policy AW7 - covers the protection and enhancement of the built environment, including archaeology.

Policy AW8 - sets out 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 NSA10 – proposals for residential development will be permitted where the net residential density is a minimum of 30 dwellings per hectare.

Policy NSA12 – details criteria for development within and adjacent to settlement boundaries.

Supplementary Planning Guidance:

Access Circulation and Parking

Design and Placemaking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) and 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;
- PPW Technical Advice Note 23: Economic Development
- 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 site is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan and is unallocated. Therefore, the principle of residential development would be acceptable subject to other material planning considerations, which are assessed below:

Impact on residential amenity and privacy

The following changes from that previously refused (15/0911) have been made to the proposal: The dwelling has been reduced in height by approximately 1.4m and the slab level has been reduced by approximately 600mm. It would also be 2.4m further away from the rear boundary of the affected dwellings on Railway terrace. Furthermore the roof would be a 'hipped' style to help lessen the impact.

The side gable elevation would now be approximately 17.4m from the rear of those dwellings. In terms of sunlight there would be little significant impact as the proposed dwelling would be to the north. The main impact of the previous scheme would have been from an overbearing impact. It is considered the amendments have significantly decreased the impact from that previously approved. Whilst objections have still been raised from local residents, it is considered the impact from the dwelling would be acceptable. The garage, that one resident objects to, would be a similar distance to the proposed dwelling, but only single storey. Therefore there would be little impact on nearby residents.

The front and rear windows proposed would not directly overlook any properties and the dwellings to the north are at a higher level and of a sufficient distance away so as not to be affected. No windows are proposed on the side elevations.

Taking into account the above assessment it is therefore considered the impact on the amenity of occupiers of dwellings on Railway Terrace would be acceptable.

Impact on the character and appearance of the area

The surrounding area is characterised by mainly traditional terraced residential dwellings set out in formal linear patterns facing the street. Some newer dwellings are located in the vicinity to the west of Railway Terrace. Although these are constructed to a different size and design to the traditional housing, these somewhat address the nearby highway by fronting a lane extending from Railway Terrace and the others face Barrett Street. It is also noted two dwellings are located at the end of the eastern part of Railway Terrace and behind the rear of the dwellings. These are however not located immediately behind the dwellings on Railway Terrace and face towards the road that turns at right angles at the end of the street and therefore also address the street.

The site for the proposed dwelling is a piece of vacant land and is significantly constrained by the sloping topography to the north and the winding road to the front that links Railway Terrace and Barrett Street. There is also an open drain that crosses the site that reduces some of the usable space. It is acknowledged that

these constraints would not allow the site to be developed in accordance with a higher density as required in the Local Development Plan.

The proposed dwelling would be located within the flatter part of the site, however it would be set back from the road and would be located in an isolated position that is considered would not relate well to the traditional terrace of Railway Terrace or surrounding road network. The dwelling has however been reduced in size from that previously proposed and a traditional rear lane access would now be provided behind the rear boundary of Railway Terrace. The design of the dwelling has also been simplified from that previously refused.

Members will note the site area is relatively large. There is a concern that this could lead to a significant amount of outbuilding structures that could be developed as "permitted development" rights. And this potentially could have a cluttered and poor visual impact on the wider area. It is therefore suggested that if permission were granted it would be prudent to remove permitted development rights for outbuildings.

In summing up the development would provide an active and beneficial use of the land within the settlement boundary. The proposed dwelling has been reduced in size and its design simplified. Whilst it doesn't relate well to the surrounding settlement pattern, on balance, it is considered the development would be acceptable in these terms.

Access and highway safety

The development proposes an access to a garage and parking at the rear of the property. It also provides pedestrian facilities that would benefit the residents and surrounding area. No objection has been raised by the Transportation Section.

Objections have been raised by local residents detailing that the lane has been reduced in width and is gated and thus preventing access. Members are advised whilst this is the current situation, the proposal is to provide a lane suitable for traffic for the dwelling and would provide access to the dwellings on Railway Terrace. Further to this issue, the applicant details he owns the rear lane behind Railway Terrace. As such, "permitted development" rights would allow the provision of a gate that would effectively block access to the rear lane. The Transportation Section argued in the previous application (15/0911) that this would result in the occupiers of dwellings on Railway Terrace being unable to use the lane to access the rear of the properties to park their cars off the street. Therefore a condition requiring this lane to be ungated and left open for access to all is suggested.

Therefore, taking into account the above, it is considered the impact of the amended proposal on parking, access and related highway safety issues would be acceptable.

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:

Public Health and Protection Comments

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

Drainage

An objection has been raised from the Public Consultation exercise that the development would exacerbate current surface water problems from the drain running through the site. Surface water drainage is detailed as being however to a soak away so should not impact on the drain. No objection was raised by the Council's Flood Risk Management team subject to conditions requiring details of the drainage. It is therefore considered that if permission were to be granted conditions requiring details of drainage would acceptably overcome any concerns.

Dwr Cymru/Welsh Water detail a sewer crosses in the vicinity of the site and that no operational development be within 3m of the pipe. Members are advised this issue is controlled by other legislation and that if permission were to be granted, it would be prudent to advise the developer with an informative note.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues if permission were to be granted.

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 liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, the impact on residential amenity and the impact on access and highway safety (Policies AW1, AW2, AW5, AW6 and NSA12).

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 Plan received on 24th December 2015.

Sections as Proposed received on 24th December 2015.

Sheet No 2 of 3 Elevations and Floor plans received on 24th December 2015.

Garage Elevations and Floor Plans received on 24th December 2015 and documents received by the Local Planning Authority on 24th December 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no Class E buildings or enclosures (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality 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 for the dwellings elevations and roof coverings 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 samples 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 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.

6. 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.

7. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan.

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

8. No gate, fence or restriction shall be provided to prevent access to the lane that serves as access to the rear boundary of properties on Railway Terrace.

Reason: In the interests of the provision of off road parking and highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the road widening and 1.5m footway / vehicular crossover including sections; and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first beneficial occupation of the dwelling hereby approved.

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

10. Notwithstanding the submitted plans, prior to the commencement of development, details of the boundary treatment reduced in height to 900mm along the site frontage shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans and retained thereafter.

Reason: To ensure that adequate visibility is provided for vehicles, in the

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

11. No works shall commence on site until details and design calculations of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway safety in accordance with Policy AW5 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

3 MARCH 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 425004)**

See Relevant Application File