

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE
18 AUGUST 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: 16/0087 - Demolition of existing structures and the comprehensive mixed-use redevelopment of the former Chubb Factory site comprising up to 172 residential dwellings (Class C3) and up to 20,750 sq ft of mixed-use commercial, retail and employment floorspace (Class A1, A2, A3, B1 and D1), landscaping, public realm, access and ancillary work. All matters reserved other than primary access (Amended plans received 16/05/16 description of development amended 03/06/16), Chubb Fire Security Ltd, Maerdy Industrial Estate, Ferndale.
2. Application No: 16/0226 - Variation of Conditions 2 & 4 of 06/1600 to allow a restaurant to operate from the property with opening hours 8.30am to 11.00pm. (Amended description received 09/06/16), 119 Bute Street, Treorchy.
3. Application No: 16/0493 - 4 no. detached houses with associated garages together with private access works (resubmission of 15/1594/10) (amended site layout plans received 21/06/16), land opposite No's 12, 12a And 13 Bryn Moreia, Llwydcoed, Aberdare.
4. Application No: 16/0555 - Erection of 3 executive houses with associated works, Y Noddfa, Cowbridge Road, Talygarn, Pontyclun.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0087/13 (GD)
APPLICANT: Garrison Barclay Estates Ltd
DEVELOPMENT: Demolition of existing structures and the comprehensive mixed-use redevelopment of the former Chubb Factory site comprising up to 172 residential dwellings (Class C3) and up to 20,750 sq ft of mixed-use commercial, retail and employment floorspace (Class A1, A2, A3, B1 and D1), landscaping, public realm, access and ancillary work. All matters reserved other than primary access (Amended plans received 16/05/16 description of development amended 03/06/16)
LOCATION: CHUBB FIRE SECURITY LTD, MAERDY INDUSTRIAL ESTATE, FERNDAL, CF43 4AB
DATE REGISTERED: 16/05/2016
ELECTORAL DIVISION: Maerdy

RECOMMENDATION: Approve

REASONS: The principle of the proposed development is on balance considered acceptable given the ongoing dereliction at the site. The proposal represents a marked improvement over earlier proposals for the site in terms of access, mix of uses and layout and will sit more comfortably with existing land uses in and around the site than earlier proposals.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This planning application seeks outline planning permission with the means of access not reserved for the demolition of the structures which remain on site, and a comprehensive mixed use development of the former Chubb factory site at Ferndale for up to 172 residential dwellings (use class C3), and up to 20,750 sq ft of mixed use, commercial, retail and employment floor space (use classes A1, A2, A3, B1 and D1), with no more than 4,000sq ft of floorspace being dedicated to retail use, landscape, public realm, access and associated works. Only the principal means of access is seeking approval in detail at this stage and in this respect the intention is to

form a new junction on its southern boundary directly on to the A4233 approximately midway along that frontage.

The parameters plan that accompanies the current planning application indicates that the site for the greater part will be populated by two and three storey residential accommodation including flats. The mixed use retail and residential will be located on the south eastern corner of the site adjacent to the main road and the light industrial units will be located in the north west corner and accessed via the existing industrial estate. Two areas of public open space are shown one on the southern boundary of the site on the western side of the proposed main access and the other located centrally in the north of the site to be surrounded by residential development.

Though layout and scale remain reserved matters that will be subject to future consideration should this application prove successful the applicants have provided the following maxima and minima with regard to the various elements of the proposal.

Housing

Terraced Houses:

Building Width	4m. Min – 6m. Max
Building Depth	7.5m. Min – 9m. Max

Semi Detached Houses:

Building Width	5m. Min – 9m. max
Building Depth	7m. Min – 9m. Max

Detached Houses:

Building Width	6m. Min – 15m. Max
Building Depth	7m. Min – 9m. Max

Height

2 Storey Houses	7.5m. Min – 9.5m. Max
2.5 Storey Houses	8.5m. Min – 10.5m. Max
3 storey (flats)	12m. Min – 15m. Max

Industrial

2no. 6000 sq ft blocks:

Length	23m. Min – 24m. Max
Width	16m. Min – 20m. Max

Height 7m. Min – 9m. Max

4500 sq ft & 6250 sq ft blocks

Length 40m. Min – 50m. Max

Width 12m. Min – 15m. max

Height 6m. Min – 8.5m. Max

Commercial

(Mixed use split level)

Length 33m. Min – 36m. max

Depth (across split levels) 12m. Min – 20m. max

Height (to highest elevations) 11.7m.Min – 15m. Max

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement;
- Noise assessment,
- Extended phase 1 habitat and species assessment
- Bat and reptile survey
- Transport assessment
- Geo-environmental site investigation report.

SITE APPRAISAL

The application site is comprised in just over 4 hectares of land located between the river Rhondda Fach in the north and the A4233 in the south. To the east of the site at a slightly lower level is the Highfields Industrial Estate and to the west lies the Maerdy Industrial Estate. The site sits on the lower southern slope of the valley and sits approximately 10 – 15 metres above the valley floor and approximately 6 - 8 metres below the classified road. The site comprises two plateaux areas with the western plateau being the slightly higher of the two. The plateaux areas were created with the former factory units and now only elements of their slabs remain along with some smaller derelict structures. The land surrounding the slabs has become overgrown and presents a generally unkempt appearance. The embankment between the road and the plateaux is steep in character and well wooded with some ecological value. The site boundaries are defined by the curtilage boundary established by the previous use of the site.

Access to the site is currently achieved from the A4233 via the Maerdy Industrial Estate access road, a route which previously served the factory units that occupied the site.

The surrounding area is largely characterised by the industrial development to the east and west of the site with the difference in levels and the A4233 providing a clearly defined boundary with established residential development to the south. Land to the north of the site is characterised by a vegetated steep embankment that slopes down to the river that is crossed in places by off road pedestrian and cycle routes.

PLANNING HISTORY

13/1084	Outline application for a mixed use development comprising employment, (B1 & B2) Nursery (D1) Care home (C2) and residential development (C3)	Refused 11/02/15
07/0414	Residential Development with new access (outline application)	Appeal against non-determination dismissed 31/01/08
01/6300	Certificate of Lawfulness for existing industrial use	Approved 11/10/01
01/6212	Recladding of existing building and new roller shutter doors	Approved 13/08/01
90/0873	Portacabin Extension	Approved 20/11/90
89/0017	Fire test area	Approved 19/04/89
85/0355	Shopfront/internal alterations/external staircase	Approved 06/05/85
78/1357	Factory Extension	Approved 05/02/79

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour consultation letters one letter of objection has been received raising the following points –

- Local infrastructure could not cope with the additional development proposed – local roads are already gridlocked.
- Increases in traffic would pose a further risk to children at the nearby secondary school.
- It is already difficult to get a doctor's appointment in the locality and additional people living in the area as a result of this development would exacerbate that situation.
- The overall look of the area would be terrible and the possibility of blocks of flats opposite existing property is extremely concerning.

CONSULTATION

Transportation Section – the proposed development would have an insignificant impact on the capacity of the local and strategic highway network...the proposal is considered acceptable subject to appropriate conditions being applied to any consent issued.

Drainage – no objections subject to conditions and the drainage of the site being developed in accordance with the requirements of the Council's guidance on flood risk management.

Public Health & Protection – no objections subject to conditions.

Natural Resources Wales – no objections.

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

Western Power Distribution – no observations received.

Wales & West Utilities – raise no objection to the proposed development and indicate the location of their apparatus around the site and advise on safe working practices to be adopted when working in the vicinity of it.

South Wales Fire & Rescue Service – raise no objection to the proposals subject to the developer ensuring adequate water supplies for fire fighting purposes and adequate access being provided for fire fighting vehicles and equipment.

Countryside Section – no objections subject to a condition requiring that the developer put in place a habitat and species protection plan and to the usual bat advisory note being appended to any consent that might be issued.

Education – offer support of the application and will not be seeking any Section 106 contribution in this case as sufficient capacity exists at Maerdy Primary School to accommodate the needs of the proposed development.

Leisure Services – no response received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - focuses on sustainable growth.

Policy AW2 - supports development in sustainable locations.

Policy AW5 - sets amenity and access criteria that new developments are expected to meet.

Policy AW6 - encourages quality design and place-making.

Policy AW11 - addresses the issue of alternative uses for existing employment sites.

Policy NSA2 - supports proposals for residential and commercial development within the key settlement of Ferndale which promotes the beneficial re use of vacant and under used floor space.

Policy NSA10 - promotes a net residential density requirement of 30 dwellings per hectare.

Policy NSA12 - supports new development within settlement limits in the northern strategy area.

Policy NSA14 - allocates employment land on non strategic sites.

Policy NSA16 - supports proposals for the development of vacant industrial sites where it is for an employment led mixed use scheme.

Supplementary Planning Guidance

- Planning Obligations
- Design & Placemaking
- Affordable Housing
- Access Circulation & Parking
- Flats
- 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 7 (Economic Development),
Chapter 8 (Transport),
Chapter 9 (Housing),
Chapter 10 (Planning for Retail and Town Centres),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

Sets 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 4: Retailing and Town Centres;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
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:

The key determining factors in the consideration of this planning application are the planning policy position, environmental and ecological considerations, urban design and amenity considerations and highway related matters.

Principle of the proposed development

In planning policy terms the proposal is promoting a mixture of uses providing for up to 172 residential units (use class C3) along with up to 20,750 square ft of commercial space comprising retail and employment uses (A1, A2, A3 B1 and D1 land uses) as described above along with suitable landscaping and public realm provision in the form of communal play areas. The site lies within defined settlement limits within the key settlement of Ferndale and is currently allocated for employment use.

On the face of it the proposal conflicts with Local Development Plan policy, notably policies AW11 and NSA2 which aim to protect land allocated for industrial use and encourage new development to support existing centres respectively. This however needs to be balanced against what the current proposals offer in the way of benefits. The proposals will deliver approximately 1500 sq m of new employment space on the site which to some extent compensates for the loss of the remaining part of the site. Further the site has remained vacant since the closure of the former Chubb factory on the site and as the planning history above reveals no purely industrial or even commercial proposals for the site have come forward since. This of itself allows scope for the consideration of the current submission as a mixed use proposals which would potentially be acceptable under the requirements of policy NSA16, though this would need to be conditioned to affect the delivery of the industrial units early in the development of the site.

Additionally there is a significance in itself in that the proposal involves the provision of up to 172 residential units in the northern part of the Rhondda Fach which has seen little investment in and few opportunities for new housing in recent years, this is a factor that weighs more heavily than it otherwise might in the consideration of this application.

In planning policy terms therefore there is in this case a finely balanced decision to be made between policy requirements as they currently stand protecting the site for future industrial development on the one hand and promoting investment in one of the most deprived communities in the County Borough on the other. In this case given the extensive amount of time that has passed without investment in this site the balance weighs in favour of allowing this development.

Environment & Ecological Considerations

The principal concern for the Public Health and Protection Division has been to ensure that the issue of noise be addressed should the development proceed. In this instance, and despite the presence of established heavy industry in the form of a steel fabrication plant adjacent to the site, a noise assessment has been produced that demonstrates that subject to the incorporation of specific requirements in the detailed design stage that the development of the site for residential and non industrial use purposes could satisfy statutory nuisance criteria. However, this does not necessarily make residential development of the site acceptable in planning terms as Planning Policy Wales makes clear that regardless of whether or not noise might represent a statutory nuisance it is a material planning consideration. In this instance though the masterplan for the site also has to be taken into account representing as it does an improvement over earlier proposals for the site. The current proposals are promoting the creation of light industrial units in the north western part of the site adjacent to the existing industrial units on the Maerdy Industrial Estate, and this will have both the effect of providing a buffer between existing industry and the proposed residential development and a transition between the two. Furthermore there is also greater differentiation on this occasion in that the access to the industrial units will remain from the estate access road whilst the residential and retail elements will be serviced from a new access from the main road.

Given that the site is part of a wider industrial estate and had itself formerly been occupied by a manufacturing unit with the Highfield Industrial Estate sitting below it, it is unsurprising that it offers little in the way of ecological value. Statutory consultees have not raised any issues that could not be addressed through the imposition of conditions on any consent that might be issued.

Impact on the character and appearance of the area

The redevelopment of the site in a mixed use type development clearly has the potential to improve the character and appearance of the area as the site is currently an abandoned industrial sites with one or two derelict buildings remaining. Further the general arrangement shown in the masterplan and the dimension parameters outlined above give further certainty at the potential acceptability of the development moving forward. As such, it is considered the proposed development, though it would alter the character of the area, particularly in respect of its immediate surroundings, would prove a positive and beneficial change.

Urban design, residential amenity and privacy considerations

The current application is accompanied by a masterplan outlining the disposition of the various elements of the development proposed in relation to each other and the wider locality. Generally the proposed development gives little cause for concern in terms of its design and layout particularly in how the residential element of the

proposed development relates to the surrounding area and the neighbouring existing and proposed land uses. This is an area where the current proposal fundamentally differs from earlier proposals in that the residential and commercial elements are separate and distinct from the industrial elements, a factor brought about by the separation of access points and the chosen locations for the proposed uses. The provision of a new main road access addresses the physical geography of the area and provides as good a level of connectivity with established residential development as might be expected in the circumstances. As well as providing better connectivity the general arrangement is also far less insular and more outward looking than earlier proposals for this site and would also benefit from improved views into and out of the site.

Access and highway safety

Members should first note with regard to the issues of access and highway safety the comments of the Transportation Section outlined above. The application has been accompanied by a full Transport Assessment which has considered all aspects of trip generation associated with the proposed development along with other key factors, such as traffic distribution, traffic growth, road safety implications and the access and suggested internal arrangements and the proposals have been found to 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.

Whilst earlier applications had considered the impact of the proposed development on existing businesses and the potential negative impacts of allowing new residential development in close proximity to established industry, in this instance the applicants have taken a more considered approach to the issue particularly in the key areas of access and layout and it has led to the issue not being considered as severe as it might have been under earlier proposals.

Whilst matters such as ecology, drainage, archaeology and visual impact of the proposals have impacted on the consideration the current proposal they have following further consideration and in some cases detailed work, been demonstrated to have had positive or at least neutral outcomes that would not impact on the decision making in this particular case.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications, where the submission relates to over 100 sq m of A1 retail use, all other aspects of the proposal are £0 rated for CIL.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this instance the section 106 requirements in respect of the development would be:

- The provision of 10% affordable housing
- The provision of play areas and public open space in compliance with the Council's Supplementary Planning Guidance.
- The agreement of an employment skills training programme.

Conclusion

On balance, the application is considered to be acceptable in the context of relevant policies of the Local Development Plan in respect of regeneration and renewal rather than the policies which allocate the application site for a specific purpose and given the background to the case it is the former that must be given the greater weight on this occasion. The application has proven acceptable in other key areas and as such a positive recommendation is made.

RECOMMENDATION: Grant

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

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

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

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

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

2. The consent hereby granted relates to the following plans.
 - The site location plan drawing no. 01343 – P100
 - The existing site survey drawing no. G1343 – P101
 - The amended site parameters plan drawing no. G1343 – P103 received 16th May 2016.
 - The illustrative masterplan drawing no G1343 – P103 revision A received 16th May 2016.

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

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees 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 & AW6 of the Rhondda Cynon Taf Local Development Plan.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding 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.

5. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' 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: To afford protection to animal and plant species in accordance

with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted details, prior to the commencement of the development, a Habitat Management Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall include:
- a) Purpose, aims and objectives of the scheme.
 - b) A review of the site's ecological potential and constraints.
 - c) Description of target habitat features to be restored.
 - d) Selection of appropriate strategies for achieving habitat restoration.
 - e) Selection of specific restoration techniques and practices for re-establishing vegetation.
 - f) Sources of habitat material.
 - g) Method statement for restoration of vegetation.
 - h) Extent and location of proposed works.
 - i) Aftercare and long-term management.
 - j) Personnel responsible for works.
 - k) Timing of works.
 - l) Monitoring.
 - m) Disposal of arisings.

All restoration works will be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Any amendments to the Habitat Management Plan during the operation of the windfarm required as ongoing monitoring shall be submitted to and approved in writing by the Local planning Authority prior to their implementation.

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

7. Construction works on the development shall not take place other than during the following times:
- i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. 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.

9. No building 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.

10. No building works (other than works of site clearance and remediation) shall commence on site until full engineering design and details for the widening of the A4233 and the provision of a new access incorporating a right hand turning lane, provision of a controlled pedestrian puffin crossing, uncontrolled pedestrian crossing point with refuge island, relocation of bus stop facilities including raised kerbs poles and shelters, reinstatement of footways at existing bus stop locations, street lighting and highway drainage together with Road Safety Audit and Designer's response have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed scheme prior to the beneficial occupation of any building hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of the safety of all highway users and the free flow of traffic.

11. Notwithstanding the submitted plans other than for works of site clearance and remediation, no work shall commence on site until full engineering details of the internal road layout including sections, street lighting, highway structures, traffic management measures, turning facilities, shared pedestrian/cycle facilities, footways, link footpaths, and highway surface water drainage 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 development in the interests of the safety of all highway users.

12. No HGV deliveries shall take place during the construction period between the hours of 08:00 hrs and 09:00hrs and between 15:00 hrs and 16:00hrs on weekdays to or from the site.

Reason: In the interests of the safety of all highway users.

13. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved

in writing by the Local Planning Authority to provide for -

- The means of access into the site for all construction traffic,
- The parking of vehicles of all site operatives and visitors,
- The management of vehicular and pedestrian traffic,
- Loading and unloading of plant and materials,
- Storage of plant and materials used in constructing the development,
- Wheel cleansing facilities,
- The sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the Local Planning Authority.

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

14. Within 6 months of beneficial occupation, a travel plan for each individual land use classes A1, A2, A3, B1 & D1, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include -

- Travel Plan Co-ordinator,
- Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling and use of public transport.
- Management strategy for monitoring and delivering the objectives,
- Review process,
- Financial penalties and fallback position if the targets set have not been achieved.

The travel plan shall be implemented in one month following its approval and maintained and monitored thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a reduction in road traffic and the promotion of sustainable modes of travel in accordance with relevant local and national planning policies.

15. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority to provide for -

- The means of access into the site for all construction traffic,
- The parking of vehicles of all site operatives and visitors,
- The management of vehicular and pedestrian traffic,
- Loading and unloading of plant and materials,
- Storage of plant and materials used in constructing the development,
- Wheel cleansing facilities,
- The sheeting of lorries leaving the site

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the Local Planning Authority.

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

16. The consent hereby granted permits no more than 372 sq m. (4,000 sq ft) of retail floorspace and no retail unit shall exceed 140 sq m. (1500 sq ft).

Reason: In order to ensure that the retail centres at Maerdy and Ferndale are safeguarded from further retail development in accordance with policy NSA2 of the Rhondda Cynon Taf Local Development Plan.

17. The residential and industrial development at the site shall be developed concurrently and no more than 30% of the dwellings approved shall be occupied until such time as all of the industrial units are built and available for occupation.

Reason: In order to comply with the requirements of policies CS1 and AW11 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0226/15	(BJW)
APPLICANT:	Mrs G Jones	
DEVELOPMENT:	Variation of Conditions 2 & 4 of 06/1600 to allow a restaurant to operate from the property with opening hours 8.30am to 11.00pm. (Amended description received 09/06/16)	
LOCATION:	119 BUTE STREET, TREORCHY, CF42 6AY	
DATE REGISTERED:	09/06/2016	
ELECTORAL DIVISION:	Treorchy	

RECOMMENDATION: Approve

REASONS: The variation of condition would allow a use that would be suitable and appropriate to the existing retail area of a Key Settlement (Treorchy) and would add to the vitality and viability of this area. The operation of the use would not have a detrimental impact on the amenity of neighbouring residential properties (including those above the shops).

The application is considered to be acceptable in respect of its impact on the visual amenities of the area, highway safety and the amenities of nearby residential properties as well as maintaining the position of the retail centre within the retail hierarchy.

REASON APPLICATION REPORTED TO COMMITTEE

The application is being reported to Committee because a petition of 32 signatories has been received objecting to the proposal.

APPLICATION DETAILS

Planning permission is sought for the variation of conditions 2 and 4 of planning application 06/1600 at 119 Bute Street which state respectively:

2. Notwithstanding the provisions of Class A3 of the Town and Country Planning (Use Classes) Order 1987 the property shall only be used as a café and shall not be utilised for any other use within Use Class A3 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity in accordance with Policy DCP16 of the Rhondda Local Plan.

4. The premises shall only be open between 08:00 and 17:30 hours daily, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the vitality and viability of the Town Centre in accordance with Policy DCP16 of the Rhondda Local Plan.

The application originally sought the variation of conditions to allow a restaurant and takeaway however, following the initial consideration of the application this was amended to allow the business premises to operate as a restaurant and open between 8.30am to 11.00pm daily

SITE APPRAISAL

119 Bute Street is a mid terrace commercial property, trading as a cafe, known as the “Danish Bacon Cafe.” The property has a single point of entry to the front of the premises onto Bute Street.

The property is located within the main commercial centre of the Town of Treorchy and there are a variety of business premises within the general locality, many of which have residential flats on their upper floors.

PLANNING HISTORY

06/1600	119 Bute Street, Treorchy	Change of use from delicatessen to cafe and new shop front	Granted 05/12/06
92/0333	As above	Single storey extension & shop alterations	Granted 18/06/92

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. A petition objecting to the initial application for the use of the property as a takeaway was received, signed by 34 signatories.

The applicant amended the proposal to seek the use as a restaurant only at the property and the previous petition containing 32 signatories was resubmitted.

The points raised by the covering letter on the petition are indicated below:

1. A restaurant would impact on our already busy high street as we currently have many establishments selling hot food in Treorchy town centre.
2. Increase in noise from a rise in traffic and late night customers from cars arriving, doors slamming, car stereos, talking/shouting etc.
3. Cars may be parked illegally and dangerously due to the lack of parking. The main road outside the property has double yellow lines, a pelican crossing directly outside and a bus stop on the opposite side.
4. Increase in cooking odours affecting existing businesses, neighbouring dwellings and flats above nearby shops. This would greatly degrade living conditions.
5. Increase in refuse, litter and vermin.

CONSULTATION

Transportation Section – no objection. The amended description involves changing the use of the property from a cafe to a restaurant only, which will not generate/encourage indiscriminate on-street parking. This alleviates the major

concern raised in our initial objection. Therefore due to these amendments, the proposal is considered acceptable.

Land Reclamation and Engineering (Drainage) – no objection.

Public Health and Protection Division – no objection, subject to conditions requiring that a scheme of odour and noise suppression be submitted, agreed in writing and implemented at the premises and a system to prevent waste cooking oil, fats, grease and food debris entering the foul drainage system.

Natural Resources Wales (NRW) – no objection. The application has been referred to NRW because the application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Flood Map, which is updated on a quarterly basis, confirms the site to be entirely within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Rhondda, a designated main river.

It is noted that this application is for a variation of conditions to change the use from Café to restaurant and takeaway and to extend the opening hours of the unit. Recognising the nature of this application NRW does not have any adverse comments to make.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary of Treorchy and is within a Key Settlement Retail Area, Treorchy (Policy NSA18.2 refers).

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - supports development in sustainable locations.

Policy AW5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 - lists design and place making criteria that will be supported in new development proposals.

Policy NSA18.2 - designates the area as a retail centre for a Key Settlement (Treorchy) and supports development that would maintain or enhance a centre's position in the retail hierarchy.

Policy NSA19 – states that proposals for Class A1, A2 and A3 uses in retail centres will be permitted provided that they add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 7 (Economic Development).

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The application site already has consent as an A3 use, albeit a restricted A3 use as a cafe. The proposal would extend the A3 use to one as a restaurant with extended opening hours.

It is considered that an A3 use as a restaurant at this location would be acceptable in terms of the provisions of the Local Development Plan as it would promote and improve vitality and viability within the retail centre.

Development Plan Policy (NSA 19) recognises that A3 uses can add vitality and viability by attracting footfall that benefits the daytime and evening economy in existing retail centres. It does however aim to avoid an over-concentration of such uses as they inevitably detract from the established retail character of the area. The policy seeks day time opening hours and encourages cafes and restaurants that complement the retail centre, thus avoiding hot food takeaways that are closed throughout the day making only a limited contribution to the key settlement.

As this application proposes to open from 8:30am until 11.00pm it is considered that it would not have a detrimental impact upon the retail frontage within Treorchy. It is also considered that an over-concentration of A3 uses would not be an issue in this instance as the premises is already within an A3 use (albeit a currently restricted

one) and there would still be a majority of premises in A1 retail use. There would be no increase in the number of A3 units and consequently, the predominant use would remain as A1 retail in Treorchy and as such the character of the retail centre is maintained.

Consequently, it is considered that the principle of a variation of the existing use to an A3, restaurant use is acceptable.

Impact on the retail centre of a Key Settlement (Treorchy)

The site is within a retail centre of a Key Settlement, the town of Treorchy. As such developments for retail units and other uses should enhance or maintain the centre's position within the retail hierarchy.

As detailed above, the premises already benefits from a restricted A3 use. The proposal for a restaurant use, also within the A3 use class, would add to the mix of shops within the retail area and consequently, to the vitality and viability of the area.

Consequently, it is considered that the A3 restaurant use would positively meet the requirements of the policy for the retail centre and maintain and enhance the centre's position in the retail hierarchy and is acceptable.

Highway safety

The Transportation Section has raised no objection to the application. This view acknowledges that the amended description involves varying the use of the property from a cafe to a restaurant only which will not generate/encourage indiscriminate on-street parking. This alleviates the major concern raised in the initial objection to the use of the property as a takeaway. Therefore due to these amendments the proposal is considered acceptable.

Impact on neighbouring properties

The proposal utilises an existing commercial unit that is located within a terrace of commercial properties. Therefore the impact on the closest properties would be on business premises and would be considered to be acceptable.

It is acknowledged that there are residential units above some shops and that A3 uses as restaurants do have the potential to be harmful to the amenities of dwellings due to increased levels of noise, odours and disturbance.

These concerns are acknowledged however, the premises has been in a restricted A3 use for some time as a cafe. These operations have not resulted in any complaints by neighbouring properties in terms of noise, disturbance or odours.

Additionally, there have been no adverse comments from the Public Health and Protection Division in their observations to the proposal, subject to the imposition of

conditions in order to control noise and odours from cooking and to protect the foul drainage system.

It is also considered that within retail areas there is a general level of activity that is greater than in purely residential areas and residents accept that this is a consequence of living in such areas.

Other issues

The comments of the respondents in the petition received in respect of the proposal are acknowledged and the following comments are offered.

It is considered that there is a good mix of commercial uses in premises within the retail area of Treorchy which contribute to a successful town centre. The proposal would not increase the number of A3 uses as the property is already in an A3 use as a cafe.

It is not considered that the operation of the property as a restaurant would generate significantly greater levels of noise and disturbance than its existing use as a cafe and the generation of customer noise is not therefore considered to be an issue. In terms of the potential noise from cooking apparatus it is considered that this can be addressed by an appropriate condition.

It is also not considered that traffic generation for the use as a restaurant would be significantly greater than the current use as a cafe. This view is also offered by the Council's Transportation Section which considers that the proposed use would not add to indiscriminate parking within the area and have therefore raised no objection in this regard.

Odour production is an issue that is acknowledged however, it is considered that this can be adequately addressed through the imposition of an appropriately worded condition.

In terms of refuse, litter and vermin the premises will be required to abide with the relevant legislation for food outlets and will need to make arrangements for the removal of commercial waste. Additionally, the production of litter would be more prevalent with a takeaway rather than the restaurant use that has been applied for. It is also considered that the premises is no more likely to lead to increased levels of vermin than its existing use as a cafe. Finally, the increased hours are considered reasonable with regard to a restaurant use and the suggested conditions in relation to noise and odour suppression and the requirement for a grease trap adequately address the potential impact on neighbouring properties.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the variation of the existing use,

impact on neighbouring properties, highway safety and the impact on an existing retail centre of a Key Settlement (Policies AW5, AW6 and NSA19.2).

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 site location plan and documents received by the Local Planning Authority, 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 Class A3 of the Town and Country Planning (Use Classes) Order 1987 the property shall only be used as a restaurant with no takeaway facilities and shall not be utilised for any other use within Use Class A3 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the use, hereby permitted, commencing a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location of the equipment in relation to the party walls of neighbouring premises and of any provisions incorporated to reduce the emission of sound. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the environmental amenity of the area in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The hours of operation for the business hereby approved shall be as follows:

Monday – Sundays including Bank Holidays - 08.30 to 23.00 hours

Reason: To define the scope of the permitted use and ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0493/10	(MF)
APPLICANT:	Mr C Cousins	
DEVELOPMENT:	4 no. detached houses with associated garages together with private access works (resubmission of 15/1594/10) (amended site layout plans received 21/06/16)	
LOCATION:	LAND OPPOSITE NO'S 12, 12A AND 13 BRYN MOREIA, LLWYDCOED, ABERDARE, CF44 0TT	
DATE REGISTERED:	10/05/2016	
ELECTORAL DIVISION:	Aberdare West/Llwydcoed	

RECOMMENDATION: Approve

REASONS: The principle of residential development at the site is acceptable. Further, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its potential impact upon the amenity and privacy of the neighbouring properties, and its potential impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as three letters of objection were received from surrounding residents following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the erection of 4 no. detached dwellings on land opposite nos. 12, 12A and 13 Bryn Moreia, Llwydcoed.

The proposed dwellings would be located parallel to one another through the site and orientated south-westwards to face the neighbouring properties within the adjacent street, Delfryn. They would be sited along the centre axis of the plot allowing for a private drive and access to be located the front of the dwellings and enclosed private gardens to the rear. Two off-street parking spaces and associated turning areas would be located to the side of each dwelling.

The proposed dwellings would all be of the same modern design and scale, each measuring 8.1 metres in width by 8.9 metres in depth and incorporating a pitched roof design to 9 metres in height and a gable feature and entrance porch within the front elevation. However, the two end properties would each incorporate a single integral garage to the side, with the two central properties both sharing a double garage sited between the two. The dwellings would each accommodate 4 bedrooms and associated living space across the ground and first floors as well as in the roof space. They would be finished in brown face brick, slate roof tiles, and white uPVC.

Access into the site would be gained via a shared private drive off Bryn Moreia which would serve all 4 dwellings. A new public footway would be created along the western boundary of site, along Bryn Moreia, as part of the development.

SITE APPRAISAL

The application site is a rectangular parcel land amounting to approximately 0.13ha. It is located at the top end of the residential street Bryn Moreia, with which it shares its western boundary and is accessed, and is bounded by a further residential street, Delfryn, to the south and east and a former railway line to the north that is now a public footpath. The site has recently been cleared and is currently vacant, but was formally occupied by a playground that was removed circa 2000. The general topography of the area falls from north-west to south-east and as such whilst the plot is level throughout, it is approximately 2 metres lower than Bryn Moreia to west and 1.5 metres above the Delfryn to the south.

The surrounding properties are predominantly a mixture of two storey terraced and semi-detached dwellings, however, there a number of larger detached dwellings of a similar scale to that proposed throughout the locality.

PLANNING HISTORY

A number of previous planning applications have been submitted at the site:

15/1594	Former playground at Bryn Moreia, Llwydcoed	4 no. detached houses with attached garages together with private drive access	Withdrawn 29/04/16
13/0081		Erection of one, two storey, three bedroom house	Granted 17/06/13

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Three letters of objection have been received from occupiers of neighbouring properties along Bryn Moreia, making the following comments (summarised):

- The development would be out of character with its surroundings. The new dwellings should face Delfryn instead of the former railway line to the rear.
- There is insufficient space along Bryn Moreia for existing residents to park their cars. The development would exacerbate this issue with the proposed access stopping people parking opposite the site.
- Bryn Moreia leading to the site is not wide enough to accommodate the construction traffic or the additional traffic four new dwellings would generate.
- The proposed vision splays are not sufficient and would have a detrimental impact upon highway safety.
- Construction traffic associated with the clearance works that have already been undertaken at the site inconvenienced surrounding residents, therefore any further works at the site are also likely to disturb the surrounding neighbours.
- The applicant proposes to utilise land not under his ownership in order to provide the access and vision splays. This should not be allowed.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Land Reclamation and Engineering – no objection, subject to conditions.

Countryside, Landscape and Ecology – no objection.

The Coal Authority – no objection, subject to condition.

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

Wales and West Utilities – no objection, subject to conditions.

South Wales Fire and Rescue Service – no objection.

Health and Safety Executive – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Llwydcoed, but is not allocated for any specific purpose.

Policy CS1 – outlines how the emphasis on building strong, sustainable communities will be achieved in the Northern Strategy Area.

Policy AW1 – sets out the criteria for new housing proposals.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

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 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

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

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) 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 12: Design;

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.

Principle of the Proposed Development

The application seeks full planning permission for the construction of four detached dwellings and associated works at the application site. The plot is unallocated and located within the defined settlement boundary where the principle of residential development is considered to be acceptable subject to compliance with the policies set out in the Local Development Plan and other relevant material considerations.

It is acknowledged that the site was formerly occupied by a playground which provided a beneficial facility for the community, however, that use ceased a number of years ago and prior to the recent clearance of the site, it had become overgrown and unsightly and used for the tipping and burning of waste materials. It is therefore considered that the re-use of the site for residential purposes would improve its current nature as well as that of the surrounding locality where the prevailing uses are predominantly residential.

It is also noted that a previous planning application for residential development at the site was approved in 2013. As such, it is considered the principle of residential at the site has already been established.

In light of the above, it is considered that, in principle, the proposed development is acceptable subject to an assessment of the criteria set out below.

Visual Impact

The scheme proposes the construction of four detached dwellings in a linear arrangement along the centre axis of the site. In terms of physical area the site is large enough to accommodate the proposed dwellings whilst leaving sufficient room for the necessary access/turning and associated landscaping. The topography and layout of the locality, having a steep bank to the rear of the site; the highway of Bryn Moreia to the west; and the adjacent dwellings within Delfryn to the front, has largely dictated the design of the proposed site layout with no other option being realistic or viable for the construction of four dwellings. Therefore, whilst the comments raised by a neighbour in respect of the orientation and layout of the dwellings are noted, it is considered that the dwellings would integrate well with the existing pattern of development in the surrounding area as they would each address the internal access drive and be positioned within plots that are large enough to accommodate the dwelling along with adequate parking and amenity space.

In terms of the design of the dwellings themselves, each of the properties would be of the same design and scale, except for the two end plots having single integral

garages and the two centre plots sharing a double garage. It is acknowledged that they would be larger in terms of their scale and of a more modern design in comparison to the majority of surrounding dwellings, however, it is considered that the appearance and proportions of the dwellings would be acceptable and is similar to that of many modern dwellings recently approved and constructed in the Borough. Further, as detailed above, the area to the south and west of the site is predominantly residential in character, with a variety of differing housing styles being visible in the vicinity. It is also noted that the applicant intends to finish the dwellings in appropriate external materials that would minimise any potential visual impact.

Therefore, overall, it is considered that the proposed site layout is acceptable and it is not considered that the design and appearance of the proposed dwellings would be out of keeping with the varied character of the immediate area. As such, the proposed development is considered to be in accordance with the requirements local planning policy in respect of its potential impact upon the visual amenity of the surrounding area.

Residential Amenity

As set out above, the property is located within an established residential area, it is therefore important that the amenity and privacy of existing neighbouring residents is safeguarded.

With regard to the adjacent properties to the west along Bryn Moreia, it is noted that a number of concerns have been raised by residents of 3 of the properties within this street. However, given that the site is located approximately 2 metres below the level of the highway; the existing dwellings along Bryn Moreia are set above the level of the highway; and the fact there would be no habitable windows in the side elevations of the new dwellings facing Bryn Moreia, the closest of which would be approximately 16 metres away, it is not considered that the proposed dwellings themselves would have any undue impact upon the levels of amenity or privacy currently enjoyed by residents of this street. It is however acknowledged that as the proposed access to the site would be off Bryn Moreia, the development would inevitably result in increased traffic movement at the junction of the proposed new access and the adopted highway. Nevertheless, it is not considered that the additional movements associated with four dwellings would significantly alter the character of this street or would adversely affect the levels of amenity which residents along Bryn Moreia currently enjoy (which is further discussed in the Highway Safety section of the report below). Therefore, whilst the comments raised by the objectors in respect of amenity are noted, the scheme is considered acceptable in respect of the potential impact upon the properties along Bryn Moreia.

With respect to the adjacent properties along Delfryn to the south of the site, due to the orientation of the proposed dwellings and the fact that the application site is located at a higher ground level than Delfryn, it is acknowledged that the proposed will form prominent features from the adjacent dwellings and a degree of overlooking will occur. However, given the general topography of the area, falling from north-west to south-east, this type of relationship is typical of the area with linear rows of

dwellings being located down the hillside throughout the locality. As such, with a ground level difference of only approximately 1.5 metres between the application site and the properties along Delfryn, it is not considered that any visual or overlooking impact would be significant enough to warrant refusal of the application. Further, the proposed dwellings would be located approximately 22 metres from the rear elevations of the properties along Delfryn and therefore it is not considered that any undue overshadowing or overbearing impact would occur. It also noted that no objections were received from occupiers of the dwellings along Delfryn following the consultation process.

Therefore, in light of the above, whilst it is acknowledged that a degree of impact would inevitably occur upon the amenity and privacy standards currently enjoyed by surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. The application is therefore considered acceptable in this regard.

Highway Safety

Whilst it is acknowledged that concerns have been raised by local residents in respect of highway safety, following consultation, the Council's Transportation Section raised no objections to the proposal, subject to conditions, as the scheme indicates the provision of adequate access, parking and turning facilities within the curtilage of the site as well as improvements to the adjacent highway and footway.

The Transportation Section commented that the application site would be served off Bryn Moreia which with a carriageway width of only 5m, is currently sub-standard for two large vehicles to pass one another which is exacerbated by on-street car parking narrowing the available width to single file traffic. Additionally, there is no footway on the development side of the street which is of concern to the Highway Authority in terms of visitors and residents being forced to walk in the carriageway to the detriment of pedestrian safety.

Following these concerns the applicant submitted amended plans on 21st June 2016 which detail the widening of the carriageway by 0.5m to provide a carriageway width of 5.5m which would allow for two large vehicles to pass one another and also to set the site boundary back and provide a 1.2m footway with pedestrian crossing point along the western boundary. The Transportation Section subsequently commented that these amendments are both acceptable and therefore both the vehicle and pedestrian access to the site are acceptable and no highway objections are raised, subject to a number of conditions being added to any consent to ensure the upgrading works are implemented.

The Transportation Section also commented that there was some concern that the proposed development will increase vehicular movements along Bryn Moreia which has no turning area and as such, service vehicles, delivery vehicles and visitors to the site would have to reverse a considerable distance to perform a turn down a narrow residential street due to on-street car parking to the detriment of safety off all highway users. However, whilst addressing the above concerns, the amended plans

received on 21st June 2016 also propose a turning area for access/egress along Bryn Moreia in forward gear by all types of vehicle along with satisfactory vision splays which is acceptable and considered a benefit to the whole community in general. As such, no highway objections are raised in this respect subject to a condition being added to any consent to ensure the turning area is installed and retained thereafter.

In respect of parking, it was commented that whilst the proposed dwellings would each require 3 off-street parking spaces with only 2 provided per property, given the sustainable location of the application site, close to public transport links, the proposal is acceptable in this respect.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of Bryn Moreia by construction traffic, commenting that the vehicles associated with the development of the dwellings will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time. Furthermore, a condition has been suggested by the Council's Transportation Section which would seek to reduce this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times. Consequently, it is not considered that the movement of additional traffic generated by the construction of four dwellings, along the existing adopted highway of Bryn Moreia, would result in an impact upon the amenities of existing residents that would be so great as to warrant the refusal of the planning application.

In conclusion, whilst the comments received from local residents in respect of highway safety are acknowledged and there is some concern with regards to increased traffic through the residential streets leading to the site, taking into account the proposal is for four dwellings only with limited additional movements and the proposed mitigation measures being provided by the developer which will also benefit surrounding residents, the proposal is considered acceptable in respect of its potential impact upon highway safety in the vicinity of the, subject to the conditions detailed below.

Public Health

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however note that a search of the site has found that there is a potential for contaminated land to exist on the plot and such a site investigation should be undertaken prior to any works starting on site. A standard condition is therefore suggested in this respect to ensure ground conditions on site are appropriate for development and if not, what mitigation would need to be undertaken prior to development.

It was also suggested that a number of further conditions should be attached to any consent in relation noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient in this instance.

Coal Authority

The Coal Authority have noted that a section of the application site falls within the defined Development High Risk Area and therefore historic coal mining activities under the site need to be taken into account when determining the application. In light of this issue the applicant submitted a Coal Mining Risk Assessment with the application which concluded that, whilst the site is appropriate for residential development, the surface disturbance of strata and residual rock spoils heaps need to be quantified prior to any development works starting on site.

The Coal Authority commented that the Coal Mining Risk Assessment report submitted with the application is an appropriate and up-to-date assessment of the site and they subsequently have no objection to the scheme. However, this would be subject to a condition being attached to any consent requiring the suggested investigation works within the report being undertaken prior to development starting on site.

Other Issues

An objector has pointed out that the applicant is not the owner of all of the land within the red line and that small section at the south-west corner of the site that would be required to install the vision splay is currently under the ownership of RCT Homes. The applicant has confirmed this and when submitting the application has completed Ownership Certificate B and served the relevant notice on the land owner, a copy of which has been submitted with the application. As such, whilst the points raised by the objector in this respect are noted, the applicant has followed the correct procedures when submitting the application and any future land ownership issues would be a private matter between the developer and the and the land owner.

It is noted that consultation has also been undertaken with the Council's Land Reclamation and Engineering and Countryside, Landscape and Ecology Sections with a view to assessing any potential impacts upon land drainage and ecology respectively. Their responses raise no objection to the planning application subject to standard advice and conditions.

The Health and Safety Executive noted that whilst the application site is not located within the consultation distance of a hazard site or major pipeline, it is in close proximity to the boundary of one, the Dynevor Arms gas storage site. Therefore, whilst they have no objection to the scheme, they advise the applicant should be advised of this fact through the use of an appropriate informative note.

It is also noted that no adverse comments have been raised by Dwr Cymru Welsh Water, Wales and West Utilities or South Wales Fire and Rescue Service subject to standard conditions and advice.

Community Infrastructure Levy 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

It is not considered the proposed dwellings would have a significant impact upon the character and appearance of the locality or the amenity and privacy standards currently enjoyed by the surrounding properties. Furthermore, there would be no undue impact upon highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

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 plans ref. 2491 NB 01, 2491 NB 02 La and 2491 NB 03 s and documents received by the Local Planning Authority on 05/05/16 and 21/06/16, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until 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.

4. No unit shall be occupied until the drainage works have been completed in

accordance with the approved plans.

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

5. The development hereby permitted shall not begin 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:
- i. 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.
 - ii. 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 (i) paragraph above.
 - iii. 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.

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.

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the contamination 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.

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.

7. 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 works 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.

8. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the road widening, footway provision, pedestrian crossing point and turning area along Bryn Moreia 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 and implemented prior to beneficial occupation.

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.

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

Reason: In the interests of highway and pedestrian safety and to ensure that mud and debris are not deposited onto the public highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted details, prior to the commencement of development, full details (including external finishes, heights and exact siting) and design/structural calculations of any proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety, and in the interests of visual amenity in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be

retained together with measures for their protection during the course of development.

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

12. Before 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 2491 NB 02 La REV B and approved in writing by the Local Planning Authority. The parking and turning area's shall remain thereafter and be implemented prior to beneficial occupation of the first dwelling.

Reason: In the interests of highway safety. To ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

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.

14. 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 accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. HGV's used as part of the construction shall be restricted to 09:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

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APPLICATION NO: 16/0555/10 (BJW)
APPLICANT: Joint applicants; - Mr D Sibley
DEVELOPMENT: Erection of 3 executive houses with associated works
LOCATION: Y NODDFA, COWBRIDGE ROAD, TALYGARN, PONTYCLUN, CF72 9JU
DATE REGISTERED: 23/05/2016
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve.

REASONS: The site is outside the defined settlement boundary where under normal circumstances, development would be contrary to development plan policy. The principle of the development has however been previously established by the approval of the outline consent for three houses of the scale currently proposed. The outline determination acknowledged that the application site previously accommodated a dwelling and has an existing commercial use of a nature that does not conform with a countryside location and therefore, whilst the site is outside the settlement boundary, the character of the immediate locality is of an urban, edge-of-settlement location.

As the previous property and the commercial use would be replaced by dwellings, it is considered that on balance, there is merit in allowing the re-development of this area as the only increase in built development would effectively be a single residential unit at the site that would represent a “rounding off” of the built form within this locality. It is therefore considered that the proposal for dwellings at the site would be acceptable, would improve the visual amenity of the area, as well as remove a non-conforming commercial use.

REASON APPLICATION REPORTED TO COMMITTEE

Despite the fact that the principle of the development has been established as acceptable by the previous grant of outline planning permission, the application is outside the settlement boundary and is therefore being reported to Members as it remains contrary to development plan policy.

APPLICATION DETAILS

Full planning permission sought for three large, detached dwellings on land comprising a recently demolished bungalow, Y Noddfa, and its extended curtilage off Cowbridge Road, Talygarn, Pontyclun, CF72 9JU.

The application is for detailed approval and includes all of the details of the proposed development. The layout details three substantial detached dwellings with access to Plot 1 off Cowbridge Road with the access to Plots 2 and 3 being off the an improved, existing shared private driveway.

Details of the proposed properties would be as follows:

Plot 1 – a five bedroom, two-storey dwelling with an integral double garage and dimensions of 23.2m at its widest point by 18.7m in depth at its deepest point by 8.8m in height to the highest part of the roof.

Plot 2 – a five bedroom, two-storey dwelling with a detached double garage to the front and dimensions of 23.5m at its widest point by 28.6m in depth at its deepest point by 8.8m in height to the highest part of the roof.

Plot 3 - a five bedroom, two-storey dwelling with an attached double garage to the front and dimensions of 34.3m at its widest point by 19.25m in depth at its deepest point by 8.3m in height to the highest part of the roof.

The design of the properties detail more traditional two storey dwellings at the front of the site (Plots 1 and 2) while the rear plot (3) is of a more modern and contemporary design.

The palette of materials consists of facing brick, painted render, timber cladding, aluminium windows, aluminium rainwater goods, artificial slate, a zinc standing seam roof, hardwood doors and glass balustrades.

The application is accompanied by the following additional information in support of the application:

- Design and Access Statement (DAS)
- Tree Survey by Treescene Arboricultural Consultants and Contractors, dated 2nd December 2014
- Phase 1 Ecological survey by Alder Ecology UK Limited, dated 1st December 2014
- Phase 2 Ecological survey by Alder Ecology UK Limited, dated 15th May 2015

The DAS provides a framework for the proposal stating that the replacement dwellings would not result in the loss of countryside but would replace a previous dwelling, a non-conforming commercial use, sensitively infill a small gap at the front of the site and would provide executive style housing within the area.

The ecology reports were initially submitted with the previous outline application and focus on the demolition of the existing dwelling and the extension garden area. The

Phase 1 study recommended further exploratory works which were undertaken as part of the Phase 2 study.

The Phase 2 study concluded: there are no bat roosts in the building; no reptiles are present; some common toad tadpoles were present in the old swimming pool, although these were being predated by a heron and a single house sparrow nest was found in the roof. The report also includes mitigation measures in relation to the above findings.

SITE APPRAISAL

The site is an irregularly shaped piece of land located onto Cowbridge Road on the outskirts of the village of Talygarn. The site has a road frontage of approximately 34m, a depth of 170m and an area of approximately 7636 square metres.

This site previously consisted of a single bungalow called "Y Noddfa" which was located in the centre of the site but has since been cleared. The land is accessed off an existing private drive directly from Cowbridge Road which serves the development site and 2 other properties, which are on the opposite side of the drive.

In front of where the previous property, Y Noddfa, was situated is a large garden area while to the rear is a fenced area which includes a timber garage and outbuildings which is used as a business for classic car hire (granted by virtue of planning application 13/0674/10).

The site is bounded on either side by low-density, residential properties of various scale and designs, while the rear of the site leads onto open countryside.

PLANNING HISTORY

16/0293	Y Noddfa, Cowbridge Road, Talygarn, Pontyclun	Appearance and landscaping (reserved matters application).	WDN 13/05/16
15/1612	As above	Variation of Condition 15 of planning 14/1584/13 "No dwelling shall be occupied on site until the speed limit reduction from 60mph to 40mph has been implemented."	GTD 15/02/16
14/1584	As above	Outline consent for the demolition of the existing residential and commercial units and the construction of three dwellings (Amended Ownership Certificate - 21/05/15).	GTD 27/11/15
13/0674	As above	Retention of single storey timber	Granted

		garage, out buildings and change of use of land to vintage vehicle hire at rear of Noddfa, Cowbridge Rd, Talygarn.	28/01/14
11/1342	As above	Demolition of existing chalet bungalow and construction of new chalet bungalow.	WFI
11/5837	As above	Proposed dwelling.	UNK
11/5271	As above	Demolish existing bungalow and construct 4 new replacement bungalows.	ROB
10/5837	As above	New Dwelling.	UNK
85/1473	As above	Extension for a swimming pool.	Approved 29/01/86
77/1382	The Bungalow, High Beeches, Talygarn	Use of High Beeches as private residence.	Refused 28/02/78

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. No responses have been received.

CONSULTATION

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering (Drainage) – no objection, subject to conditions requiring details of the drainage of the site to be submitted, approved in writing and implemented in accordance with the approved scheme.

Public Health and Protection – no objection, subject to a condition to restrict the hours of work during the construction phase of the development.

Dwr Cymru/Welsh Water – no objection.

Wales and West Utilities – no response received.

Western Power Distribution – no response received.

Countryside, Landscape and Ecology – no objection subject to a condition in line with the recommendations of the Ecology report in relation to the Sparrow nest at the site and the incorporation of Sparrow nesting bricks.

National Grid – no objection.

POLICY CONTEXT

The site is outside the settlement boundary and is unallocated.

Rhondda Cynon Taf Local Development Plan

Policy AW1 - identifies the housing land requirement for the County Borough over the plan period.

Policy AW2 - seeks to ensure development proposals on non-allocated sites are in the most sustainable locations which includes within the defined settlement boundary. The policy also seeks to ensure that development proposals are accessible by a range of transport modes and have access to key services and facilities.

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

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

Policy AW8 - seeks to protect and where appropriate enhance the natural environment of the County Borough.

Policy SSA11- Housing Density sets a minimum density level of 35 dwelling per hectare in the southern strategy area. The policy states that variations on these densities could be acceptable but only where it can be justified and valid reasons demonstrated.

Policy SSA13 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Chapter 2 (development plans), Chapter 3 (making and enforcing planning decisions), Chapter 4 (planning for sustainability), Chapter 9 (housing).

Planning Policy Wales Technical Advice Note 12 Design

The above chapters and Technical Advice note set out the Welsh Government's policy on planning issues relevant to the determination of this planning application.

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

Despite being outside the settlement boundary the principle of the development has been established as acceptable by the previous grant of outline approval.

While it is acknowledged that there is a material change in the circumstances at the site, with the existing dwelling being removed, there is still outline consent for three similar dwellings at the site which could be the source of a reserved matters application to allow the development to proceed.

Consequently, while it is acknowledged that the site remains outside the settlement boundary, it is considered that its character, appearance and the material considerations that meant it was previously considered to be an acceptable exception to the local development plan, are still relevant.

Consequently, it is considered that there remain considerable material considerations that would outweigh development plan policies in this particular instance and the principle of the development is, on balance, considered to be acceptable.

Impact on amenities of neighbouring properties

The site is a gently sloping piece of land located in a road side, urbanised location, outside the settlement boundary. The land is situated above the level of the main road on the edge of the village of Talygarn. The site is surrounded on both sides by residential properties while the front is bounded by the highway and the rear by open countryside. Dwellings within the immediate locality are generally of a fairly low density and are characterised by large, centrally located properties in spacious plots.

The proposed development would continue the pattern and character of surrounding properties and the established pattern within the area. The dwellings, while large could be accommodated at the plots without leading to overdevelopment. Additionally, there would be sufficient distance between the proposed and existing properties to maintain the privacy and amenity of both dwellings. It is acknowledged that the proposed dwellings are large and this does have the potential to affect

existing dwellings, particularly the older, modest properties, however, it is considered that this has been addressed through the detailed design of the properties.

Consequently, it is considered that the details for the proposed dwellings demonstrate that the development would not have a detrimental impact on the amenity of neighbouring properties and would be acceptable.

Character and appearance of the area

The area is characterised by a mix of housing types within large garden plots at the edge of the village leading to the wider countryside setting. The site itself had an existing, large detached dwelling and still has a commercial use to the rear in addition to an extensive garden area at the front of the site.

The proposal would provide 3 equally spaced dwellings, with a scale and layout similar to existing modern dwellings within the immediate locality and with the opportunity to add further landscaping features to improve the appearance of the site. The proposed dwellings are considered to be sympathetic to the character and appearance of the area and would also be subject to further details at a later stage.

It is acknowledged that the site would fall well below the suggested standard of 35 dwellings per hectare however, due to the site's edge of settlement location, a density of this level would be inappropriate. While the proposal would amount to 4 dwellings per hectare, it is considered that this would be acceptable given the low density of development within the locality and its edge of settlement locality and character.

It is considered that the proposed dwellings would represent a positive opportunity to replace the previously run-down dwelling on the site and discontinue a non-conforming and an unsympathetic commercial use at this location.

Consequently, it is considered that the scale of the proposal would be sympathetic and in keeping with the existing dwellings in the area and there is no objection to this aspect of the proposal.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds, subject to conditions to secure satisfactory access, parking and turning facilities within the site. This view acknowledges the surrounding road network, the generous size of the site and the potential to secure acceptable highway arrangements thereon.

The previous proposal was amended, due to negotiations with the Highways Officer, and required the introduction of a 40mph speed restriction which, on the basis of the speed survey information provided, was acceptable in principle. This requirement has been reiterated for the current proposal.

The proposal to realign the kerbline, to widen the footway to achieve the required visibility splay of 2.4m by 120m, whilst maintaining a minimum width of the A4222 Cowbridge Road of 6.75m, is sufficient to allow large vehicles to pass at a speed of 40mph.

The private shared access is in accordance with the requirements of the RCT Design Guide in respect of width, provision of passing places and turning facilities to cater for calling service, delivery and emergency vehicles and, in accordance with the guidance, is acceptable to serve a maximum of five dwellings. Consequently, subject to the amended details and the conditions that have been suggested, it is considered that the proposal is acceptable in this regard.

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. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £166,830.46.

Conclusion

It is acknowledged that the development of the site is contrary to the provisions of the Local Development Plan. However, it is considered that the principle has been established by the previous grant of outline planning permission and there remain significant and compelling material considerations that would justify the grant of planning permission in this particular case. Consequently, and on balance, the proposal is considered to be acceptable.

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 and block plan, Drawing no. F.P.58.100, dated 19/05/16

Landscape design plan, Drawing no. F.P.58.500, dated 19/05/16

Plot 1 – Ground floor plan, Drawing no. F.P.58.101, dated 19/05/16
Plot 1 – First floor and roof plan, Drawing no. F.P.58.102, dated 19/05/16
Plot 1 – Elevations, Drawing no. F.P.58.103, dated 19/05/16
Plot 2 – Ground floor plan, Drawing no. F.P.58.104, dated 19/05/16
Plot 2 – First floor and roof plan, Drawing no. F.P.58.105, dated 19/05/16
Plot 2 – Elevations, Drawing no. F.P.58.106, dated 19/05/16
Plot 3 – Ground floor plan, Drawing no. F.P.58.107, dated 19/05/16
Plot 3 – First floor and roof plan, Drawing no. F.P.58.000, dated 19/05/16
Plot 3 – Elevations, Drawing no. F.P.58.109, dated 19/05/16
Cross sections, Drawing no. F.P.58.111, dated 19/05/16
Preliminary access layout, Drawing no. 41140101/01 Revision D, dated 29/06/16

and documents received by the Local Planning Authority 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 detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The recommendations of the Alder Ecology report, dated 15th May 2015, in relation to the method of demolition of the property and provisions for the clearance of the site outside of the bird nesting season; the provision of nesting bricks for Sparrows; the maintenance and enhancement of hedgerows at the site and landscape planting that would be beneficial to local wildlife and that until its demolition the security and integrity of the existing bungalow is maintained to prevent future access by bird and bat species shall be strictly adhered to during the clearance and demolition of the site.

Reason: To afford protection to animal and plant species in accordance

with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (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.

6. 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.

7. 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.

8. 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 use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. 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.

9. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. Building operations shall not be commenced until samples of the 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.

11. Construction works on the development shall not take place other than during the following times:
- Monday to Friday 0800 to 1800 hours;
 - Saturday 0800 to 1300 hours;
 - Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. These details shall also indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 in relation to Flood

Risk Management.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure and to ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. 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.

14. No development, including works of site clearance shall be commenced until a Waste Management Plan for the control, management storage and disposal of demolition waste/excavated material to be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure that sustainability principles are adopted during the development proposal in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No dwelling shall be occupied on site until the speed limit reduction from 60mph to 40mph has been implemented.

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

16. Notwithstanding the submitted layout plan, the design and construction details of the proposed access together with the works to be undertaken to the A4222 shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

17. Access, parking and turning facilities shall be in accordance with the submitted plot layout plans, drawing Nos.,FP.58.101, FP.58.104 and FP48.107, and constructed in permanent materials, details of which to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation. The parking and turning areas shall not thereafter be

used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate access, turning and parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

19. Surface water run-off from the proposed private shared access shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

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

18 AUGUST 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

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