

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017

**DEVELOPMENT CONTROL
COMMITTEE
15 SEPTEMBER 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:16/0269 - Conversion of single residential unit to 2 no. two bedroomed flats and 4 no. one bedroomed flats including dormer window and external alterations. Provision of 6 no. parking bays (Amended plans received 6th June 2016), Valley View Manor, Graig Avenue, Graig, Pontypridd.
2. Application No:16/0402 - Proposed change of use from public convenience to shop with associated external alterations. Proposed opening hours to be:- 08:00 to 18:00 Monday - Saturday and 09:00 to 18:00 Sundays. (Amended description received 13th June 2016) (Amended description received 4th July 2016), Former Ladies WC, Hendrecafn Road, Penygraig, Tonypandy.
3. Application No:16/0419 - Refurbishment of public house for provision of two additional flats (re-submission), Royal Oak Inn, Morgan Row, Cwmbach, Aberdare.
4. Application No:16/0657 - Proposed construction of an Access for All footbridge incorporating lifts. Removal of the existing stepped footbridge, Taffs Well Railway Station, Cardiff Road, Taffs Well, Cardiff..
5. Application No: 16/0737 - The retention of the ground floor retail unit, and the conversion of the 2 upper floors of the building to form 6 no. units of residential accommodation (C3) and associated works at 54-55 Taff Street. (Amended location 21/07/16), Formerly Phase, 54-55 Taff Street, Pontypridd.

6. Application No: 16/0778 - Development of an unheated indoor 3G sports pitch with a two storey front of house wrapping around accommodating clean changing rooms for the pitch, muddy changing rooms for the external pitches, treatment rooms, a strength and conditioning room, staff offices, 3 large classrooms, teaching/observation seating as well as the necessary ancillary spaces. An existing changing room pavilion will be demolished and in its place extra car parking spaces will be provided made to match existing and a larger pedestrian route. A new car park will be proposed at the lower site facilitating coach/mini bus drop off, additional parking, vehicular road access to the proposed new academic building and a safe pedestrian route to connect the lower car park to the Sports Centre which will act as the main reception, University Of South Wales Sports Park, Main Avenue, Treforest Industrial Estate, Pontypridd.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0269/10 (GW)
APPLICANT: Mr S E Newington
DEVELOPMENT: Conversion of single residential unit to 2 no. two bedroomed flats and 4 no. one bedroomed flats including dormer window and external alterations. Provision of 6 no. parking bays
LOCATION: VALLEY VIEW MANOR, GRAIG AVENUE, GRAIG, PONTYPRIDD, CF37 1LU
DATE REGISTERED: 19/04/2016
ELECTORAL DIVISION: Graig

RECOMMENDATION: GRANT

REASONS: The site is a relatively large detached residential dwelling located within a predominantly residential area.

The proposed intensified residential use of the building is considered would not have a significant detrimental impact on residential amenity or on the character of the area.

A suitable level of parking is considered to be provided for the amount of dwellings proposed.

Objections have been raised, from local residents, with regard to the new access being in close proximity to the entrance to a nearby children's playground area and that this could result in highway safety issues. However no objection has been raised by the Transportation Section.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three letters and a petition of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the conversion of a single residential dwelling to 2no. two bedroom flats and 4no. one bedroom flats. The works would also include a new dormer window and some minor external alterations. Six off road parking bays would be provided within the curtilage of the building from two new access points. Boundary treatment would be reduced in height to 400mm high adjacent to the lower access and replaced with open mesh fencing to provide better visibility. Areas for bin storage and amenity space are identified on the plans.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The application site is a larger than average size property. It is located at the end of Graig Avenue, which is a terrace of traditional residential dwellings. The street continues around the site and doubles back at a higher level behind the site. It then narrows and becomes a rear lane behind the dwellings on Graig Avenue. Two more modern dwellings are located on the opposite side of the lane and at a higher level to the south and east of the site. A children's playground is located and accessed to the east, on the opposite side of the road to where the bend curves around the site.

PLANNING HISTORY

06/0431	Rocklez, (Valley View Manor) Graig Avenue, Graig, Pontypridd	Change of use from C3 residential dwelling classification to C2 - residential care home for adults 18-65 and approval for new door and velux windows.	Refused 22/09/06
94/545	Valley View Manor, Graig Ave, Graig Pontypridd	Car Port	Granted 09/03/95
90/491	Adjacent to 18 Graig Avenue, Graig	Bungalow	Granted 26/09/90

PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. Three representations of objection have been received and a petition against signed by 42 people.

The comments are summarised below:

1. Concerned about the purpose of flats due to trouble at nearby Morning Star. It is not appropriate to create a 'half way house' on this street. It will increase ant social behaviour, drug and alcohol abuse, theft and overall crime.
2. There are too many dwellings proposed and the development would be inappropriate and cramped.
3. There is no room for the proposed parking.
4. Extra traffic and parking would result in highway safety risk to children using the play ground.
5. Additional parking would result in additional access issues.
6. Development would result in increased litter and fly-tipping.

CONSULTATION

Countryside, Landscape and Ecology – a bat informative note should be attached if permission is granted.

Dwr Cymru/Welsh Water – no objection subject to: surface water and foul water being discharged separately from the site and no net increase of surface water and land drainage being allowed to connect to the public sewerage system. Advisory note is provided.

Flood Risk Management – no objection.

Housing Strategy – the evidence in the viability assessment seems reasonable. No objection to this application being granted without affordable housing provision.

Public Health and Protection – no objection subject to conditions on demolition of dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions requiring: the access to be laid out in accordance with submitted plan, upper access to be a minimum of 3m in width, details of vehicular crossover, surface water not to connect to any highway drainage and details of traffic management and wheel washing.

Wales & West Utilities – no objection. Our apparatus may be affected during construction. Advisory note requiring developer to contact them to discuss.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 - promotes residential development which respects the character and context of Principal Towns of the Southern Strategy Area and places an emphasis on focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

Policy AW2 - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW4 - covers community infrastructure & planning obligations.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and

appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy SSA12 – 20% affordable housing will be sought on sites of 5 units or more.

Policy SSA13 - permits development within the defined settlement boundaries provided it does not adversely effect the provision of open space and car parking in the surrounding area, the land is not contaminated or subject to land instability and is accessible to local services by a range of modes of sustainable transport, on foot or by cycle.

Supplementary Planning Guidance

- Access Circulation and Parking
- Affordable Housing
- Design and Placemaking
- Development of Flats
- Planning Obligations

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) and Chapter 9 (Housing), 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 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development; and
- 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.

Principle of the proposed development

The proposal is for the conversion of part of what is a residential dwelling to a similar but more intensified residential use, i.e. flats.

In policy terms, the building is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. It is close to nearby small convenience stores (approximately 250m) and relatively close (approximately 750m) to Pontypridd town centre and the local facilities and public transport links this provides. Therefore, in this context, it fulfils a number of the policy criteria required for a sustainable location.

An objection has been raised with regard to the proposed use raising concerns due to the perceived impacts of the recent unauthorised hostel use at the nearby Morning Star on Llantrisant Road. It is argued the development would result in a halfway house, anti-social behaviour, crime and other issues such as littering. Members are advised that this application is for flats and not for a hostel type use. Furthermore the comments that residents of the proposed flats would increase issues such as anti-social behaviour, crime and littering are unsubstantiated. As such, this should not prejudice the determination of this application.

Therefore, it is considered the proposed residential use of this site would be acceptable subject to the following material planning considerations.

Access and highway safety

The existing dwelling does not currently benefit from any off-road parking. The provision of 6 spaces in this proposal would be a benefit and is considered an acceptable level for the development.

Objections have been raised by local residents that the increased traffic may result in highway safety issues. They particularly point to the location of the children's play area (opposite the site) and that cars entering and leaving could be dangerous for users of the play area.

The Transportation Section note that there is a shortfall in the visibility splay, however they note cars would be entering and exiting in a forward gear and speeds would be relatively low due to the single road width and tight radius at the access. On balance they consider the access acceptable. They also detail that their records indicate no accidents have been reported along Graig Avenue between 2010 and the end of 2014.

The Local Member has suggested that, if permitted, gates should be provided on the access opposite the park, to slow down vehicles entering and exiting the site in the interests of highway safety.

While it is Members decision whether gates are appropriate or not, it is considered they may not have any significant benefit to road safety as it would be difficult to enforce that they are kept shut. The provision of a raised junction plateau would be a potential alternative. However it is considered questionable whether this would be reasonable due to the already likely low speeds using the access.

Finally, a condition requiring a wheel wash and construction traffic management statement has been requested by the Transportation Section. It is considered this would not be necessary as there is limited construction proposed (apart from a dormer window and insignificant works within the curtilage and to create the access). Furthermore mud on the road can be controlled more effectively under Highways legislation.

Therefore, in these terms, it is considered the application would be acceptable as submitted.

Impact on residential amenity

The property is an existing dwelling located in a predominantly residential area. Overlooking issues would be similar to the use of the property as a dwelling and the additional dormer window would not result in any significant increase in this issue. The intensified use of the property may have some impact on resident's amenity, mainly due to the increased coming and going of people to and from the property. However, it is considered the impact would not be significant enough to warrant a refusal reason.

Turning to the impact of the development on the potential occupiers of the flats: The existing dwelling is detached and has a relatively large curtilage. The six flats would provide an acceptable level of space and bin stores and some amenity space (for clothes drying etc) has been detailed on the plans. It is also noted there is some public amenity space (playground) and countryside areas close to the site. Therefore in these terms, it is considered a suitable quality of accommodation would be provided for the occupiers. As such, it is considered, this would satisfy the requirements of the Council's Supplementary Guidance for flat developments.

It is therefore considered that the development would not have a significant detrimental impact on the amenity of the occupiers of the proposed dwellings and on surrounding residents.

Impact on the character and appearance of the area

The changes to the building externally would be relatively insignificant. The provision of the new accesses and parking areas would also not significantly detract from the character of the area. Therefore, it is considered, this issue would not warrant a refusal reason.

Other issues

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

Drainage

Whilst the comments raised by Dwr Cymru Welsh Water are appreciated the development is the conversion of an existing building and drainage is indicated as existing. It is considered the matters they raise can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning the sewer and drainage issues they raise.

Community Infrastructure Levy (CIL) Liability

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

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

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 are:

Policy SSA12 requires 20% affordable housing will be sought on sites of 5 units or more. The applicant has detailed that a contribution would not be economically viable due to the costs of the development and the return from the number of flats proposed and has submitted a financial viability assessment. It is considered the costs in the assessment submitted are reasonable and as such an affordable

housing contribution is not considered necessary. No objection has been raised by Housing Strategy.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, parking and highways safety, the impact on residential amenity and the impact on the character of the area (Policies AW1, AW2 and AW5 and Supplementary Planning Guidance - Development of Flats).

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

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

- Proposed Conversion of Valley View Manor Graig Avenue Pontypridd to 6no Apartments received on 6th June 2016.

and documents received by the Local Planning Authority on 15th March 2016, 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. Before the development is brought into use the means of access, together with the vision splays and turning facilities, shall be laid out in accordance with the submitted plan dated 6th June 2016.

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

4. Before the parking areas are brought into use, design and details of the vehicular crossover tie in with the adopted highway shall be submitted to and approved in writing by the Local Planning Authority, before any development commences on site.

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

5. Surface water run-off from the proposed development shall not discharge onto the public highway or be 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.

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APPLICATION NO: 16/0402/10 (CPU)
APPLICANT: Progressive Rainbow Limited
DEVELOPMENT: Proposed change of use from public convenience to shop with associated external alterations. Proposed opening hours to be:- 08:00 to 18:00 Monday - Saturday and 09:00 to 18:00 Sundays. (Amended description received 13th June 2016 and 4th July 2016).
LOCATION: FORMER LADIES WC, HENDRECAFN ROAD, PENYGRAIG, TONYPANDY, CF40 1LJ
DATE REGISTERED: 28/04/2016
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: Approve

REASONS: The application represents a compatible and appropriate redevelopment of this former public convenience which occupies a position in the retail centre of Penygraig. Although objections have been received to this scheme, the proposal is considered to represent an appropriate alternative use for the building and highway safety concerns are not considered a reason to refuse the proposal, especially as the property is located within a sustainable location within the designated retail centre.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought to change the use of a former public toilet (sui generis) to a shop falling within Planning Use Class A1. This Class includes use for all or any of the following purposes:-

- For the retail sale of goods other than hot food;
- As a post office;

- For the sale of tickets or as a travel agency;
- For the sale of sandwiches or other cold food for consumption off the premises;
- For hairdressing;
- For the direction of funerals;
- For the display of goods for sale;
- For the hiring out of domestic goods for sale;
- For the washing and cleaning of clothes of fabrics on the premises;
- For the reception of goods to be washed, cleaned or repaired;
- As an internet cafe, being a place where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet.

The proposal would involve limited alterations to the interior of the building and the provision of a shop front with an associated roller shutter door along the elevation which fronts onto Hendrecafn Road.

The information accompanying the application indicates the proposed use would facilitate an opportunity for 1 full time job and 1 part-time job. The applicant has confirmed that the proposed hours of opening would be:

- 08 00 to 18 00 hours Monday to Saturday; and
- 09 00 to 18 00 hours on Sundays.

SITE APPRAISAL

The application site is a small, single storey building attached to the south facing elevation of a hairdresser. It has a frontage directly onto Hendrecafn Road and a rear elevation facing onto the backs of commercial properties located along the main commercial street of Penygraig. The building is finished predominately with red facing brickwork, although part of the facade is rendered. There is a small gated path along the southern elevation which provides access to a very small area of land at the back of the building. Opposite the site is a row of houses which are set back from the pavement by small courtyard gardens. There are parking restrictions along Hendrecafn Road and the area of highway immediately outside the site is restricted by double yellow lines.

PLANNING HISTORY

There is no recent planning history relevant to the determination of this application.

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notice. A total of 6 letters of objection (1 signed by residents of 4 properties) have been received from local residents and the adjoining hairdressers. The concerns raised are summarised below:

- Query regarding the type of shop proposed and the nature of the products that would be sold as there is concern over the sale of alcohol and the associated anti-social problems;
- Concern about the possible opening hours and noise and disturbance to residential properties in the evening and on Sundays;
- Concern that the removal of walls would make the building and the adjoining property unsafe;
- Concern that there is no space to dispose of waste outside the building and rats could be attracted to the area;
- The proposal would lead to loading and unloading on a restricted road where a bend and bus stop is located.
- The proposed store should be able to provide an inclusive access;
- Questions regarding the need for another convenience store;
- Concern that the proposal would lead to litter problems on the street;
- Highway safety concerns including congestion and dangerous parking;
- Concern that the proposed hours of opening are unacceptable due to the potential for noise and disturbance in what is a residential street. Also, concern that the operation of the proposed roller shutter door late at night would also lead to a level of disturbance.

CONSULTATION

Transportation Section - no objection.

Public Health & Protection - no objection.

Dwr Cymru/Welsh Water - no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the defined settlement boundary and forms part of a designated retail centre. The following policies are therefore considered to be of relevance in the determination of this application:

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services in the northern strategy area.

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

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

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

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

Policy NSA18 – Identifies Penygraig as a local and neighbour centre.

Policy NSA19 – Advises that development proposals for Class A1, A2, A3 and other uses that add vitality and viability to the retail centre will be permitted.

Supplementary Planning Guidance

- Delivering Design and Placemaking: Access, Circulation & Parking Requirement;
- Shopfront Design.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 10 (Planning for Retail and Town Centres), 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 4: Retailing and Town Centres;
- PPW Technical Advice Note 12: Design;
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is situated within the settlement boundary and is also designated as a local and neighbourhood centre under Policy NSA18 of the Local Development Plan. Being situated within a defined retail centre and adjacent to an existing commercial premise, it is considered that the principle of changing the use of the premises from a public convenience to a shop falling within Planning Use Class A1

would be acceptable in terms of the provisions of the Local Development Plan. Objections have been received to this scheme in relation to the activity that may be generated by a shop and noise disturbance which may be generated by comings and goings in the evenings and on Sundays. Although the concerns raised are appreciated, the site is located within a defined retail centre where the general thrust is supportive of the development. It is noted that this site does lie on the edge of the retail centre and the immediate properties along Hendrecafn Road are predominately residential in character. However, there are a number of commercial properties adjoining the site and it is considered a shop use with suitably controlled hours of opening would be compatible with the surrounding land uses. As such, the principle of this development is considered to be acceptable under Policy AW2 and NSA 19 of the Local Development Plan.

Nevertheless, a more detailed assessment will need to be given to the individual material planning considerations set out below and the particular concerns raised by residents in relation to amenity and highway safety.

Impact on the character and appearance of the area

The external alterations proposed to the building involve the installation of a traditional style shopfront along the elevation which fronts onto Hendrecafn Road. The shopfront has been designed with timber pilasters and consul brackets and a roller shutter door which would be concealed behind a timber fascia. Although the overall shopfront is not of any exemplar design, it does sympathetically fit into the context of the building and includes high quality elements and materials. The exact details will however need to be agreed in writing by way of condition to ensure that the proposed finishing colours are acceptable. Therefore, in this regard, the proposal is considered to be acceptable.

Impact on residential amenity and privacy

In terms of neighbouring amenity, the application property is situated on the opposite side of the road to the houses on Hendrecafn Road. It is located directly next to a hairdresser (which has a residential flat above) and is in close proximity to the main high street of Penygraig. The site is also located along a well used road within the retail centre where there is a level of high activity throughout the day. Although it is acknowledged that the application site does front onto a predominately residential street, the property is located on the opposite side of the road to the houses on Hendrecafn Road and is situated immediately next to a commercial property. Having regard to the context of this site, it is not considered that the re-use of a public convenience on the boundary of the retail centre would unduly compromise the amenities of nearby residents.

Representations received from local residents and the owner of the adjoining hairdressers and flat have however raised a number of concerns in relation to general disturbance, and nuisance that may result given the hours of operation of the proposed shop and the ambiguity of the type of A1 use proposed. Whilst acknowledging the concerns, following further discussion with the applicant in

relation to this matter, the proposed hours of operation of the retail premise have been confirmed and have since been amended, and consent is now sought to open the new shop from 8am to 6pm Monday to Saturday and 9am to 6pm on Sundays. These times are considered to be reasonable in an area which is in close proximity to other commercial units including a Co-operative convenience store, which is open between 7am to 10pm each day of the week.

When considering the fact that the site previously accommodated a public convenience, the proximity of the site to other commercial units and the current levels of amenity experienced within this mixed used area, it is not considered the hours of opening stipulated are unreasonable in this instance. Overall, in terms of amenity and when further considering the positive regeneration benefits of bringing a vacant building back into beneficial use, it is not considered the development would have such an adverse impact on the residential amenity of nearby residential properties to warrant a recommendation to refuse the planning application.

Access and highway safety

In terms of the highway safety concerns raised by residents, the Transportation Section has assessed the proposal and has raised no objection to the application. It is noted that the application property is located in the retail area of Penygraig and is close to public transport and a number of local facilities. There are also parking restrictions on both sides of the carriageway preventing on-street car parking and loading between 8am and 6pm Monday to Saturday. While the Transportation Section has raised some concern with regard to the lack of off-road parking provision, it is not considered that a unit of the scale proposed would generate a large amount of vehicular traffic as it is considered that the majority of trips would be cross linked on foot with other trips to the retail centre. In relation to the other concerns raised by residents in relation to loading and unloading, the Transportation Section has noted that due to the parking restrictions, this can only take place outside of peak traffic times and on this basis, the proposal is considered 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.

Other matters raised during neighbour consultation exercise.

The concern raised by a resident in relation to the impact of the works upon the structural integrity of both the application property and the adjoining building has been noted. However, such matters are dealt with under Building Regulations and are not material to the determination of this application. The comments made in relation to accessibility have also been acknowledged and it is agreed that it would be ideal if the premise could facilitate an inclusive access. However, it is appreciated that the application property is an older building and it may be difficult to

incorporate modern day standards within the existing fabric of this property. Nonetheless, the developer will need to apply for building regulations approval for which Part M (Access to and use of buildings) will need to be considered. This matter forms part of a separate application and is not considered to be a determining factor of this planning application.

With regard to the comment made in relation to the provision of an adequate area for the disposal of waste, there is a small area to the rear of the building which has been included within the boundary of the application site. This area is considered to be adequate to accommodate space for bin storage.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The determination of this application requires careful judgement of each of the issues that the case raises, with particular regard to balancing the merits of such a proposal against any harmful impact such a scheme may pose. Representations have been received against the application from local residents which primarily raise concerns over the impact of the change of use on amenity and highway safety grounds. The site is however located within a designated retail zone and the Transportation Section have not raised any highway objections to the proposal. The applicant has also considered the concerns of residents and has amended the proposed hours of operation to a more reasonable time frame. When further considering the significant merits of bringing a vacant building back into use, whilst also complementing the local retail provision within the village of Penygraig, the scheme is considered acceptable. Approval of the planning application is therefore recommended.

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) Hdw/ph/wc.001 and documents received by the Local Planning Authority on 12/04/2016, 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. Building operations shall not be commenced until details of the type, materials and colour of all external finishes to be used for the development have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the details(s) so approved.

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

4. The use hereby permitted shall not be open to customers except between the hours of 08.00 hours and 18.00 hours Monday to Saturday and 18.00 hours and 09.00 hours and 18.00 hours on a Sunday and not at all on a Bank Holiday.

Reason: To minimise the effects of the development upon neighbouring residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0419/10	(MF)
APPLICANT:	Mr A Turner	
DEVELOPMENT:	Refurbishment of public house for provision of two additional flats (re-submission).	
LOCATION:	ROYAL OAK INN, MORGAN ROW, CWMBACH, ABERDARE, CF44 0DU	
DATE REGISTERED:	04/07/2016	
ELECTORAL DIVISION:	Cwmbach	

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 by the request of Councillor Elliott in order to assess the impact of the proposed development upon the amenity of the surrounding neighbours and upon highway safety in the vicinity of the site. Further,

one letter of objection was received that was signed by 11 surrounding residents following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the extension and refurbishment of the Royal Oak Inn, Cwmbach in order to provide 2 no. self-contained flats at first floor level in addition to the existing single self-contained flat that currently exists (3 no. flats in total). The majority of works would be facilitated by a number of internal alterations however a two-storey extension would also be erected to provide for improved facilities at the existing ground floor public house and additional space at first floor level in order to accommodate the 3 no. flats.

The extension has already been erected but has not yet been finished either internally or externally. It is sited to the rear of the property in-filling a gap between two original gable projections. The addition is two storeys in nature and incorporates a flat roof design to the properties original eave height. A number of windows and doors are sited within the rear elevation to provide light and access to the new arrangement which comprises a public house at ground floor level with 1 no. 3 bedroom, and 2 no. 1 bedroom self-contained flats above. Access to the site is provided off Morgan Row to the northern side. It is proposed the extension be finished in render to match the external appearance of the original building.

A new parking area accommodating 4 no. off-street car parking spaces would be created within the yard area to the rear of the property. It would be accessed off the adjacent highway, Phillip Row, and be created at street level. This element of the development has not yet been completed.

A number of general refurbishment and improvement works would also be undertaken to the buildings elevations in order to improve its current visual appearance. These works have also not yet been undertaken.

The application is accompanied by the following:

- Design and Access Statement.

SITE APPRAISAL

The Royal Oak Inn is a large public house located on the main road through the village of Cwmbach. The property sits within a plot of approximately 450m², fronting the footway and having an enclosed courtyard area to the rear. The building is two storeys in nature and finished in render, slate roof tiles and uPVC windows and doors. It is currently occupied by a public house at ground floor level with a single residential flat above, however, it is in the process of the being extended and converted in order to provide additional space within the ground floor public house and two additional flats at first level (the subject of this application). An adjoining annex is located to the northern side of the premise that is occupied by a hairdressing salon. A detached bungalow is located to the southern side. Phillip

Row, a traditional terraced street comprising 10 no. dwellings, bounds the site to the rear but is sited at a higher ground level.

PLANNING HISTORY

Previous planning applications submitted at the application site:

15/1160	The Royal Oak Inn, Morgan Row, Cwmbach	Refurbishment of public house and provision of rear extension to provide 3 no. self contained flats.	Refused 01/12/15
12/0804	The Royal Oak Inn, Morgan Row, Cwmbach	External works and improvements including external porch.	Granted 19/11/12
82/0361	The Royal Oak Inn, Morgan Row, Cwmbach	Proposed improvements to forecourt.	Granted 22/09/82
82/0008	The Royal Oak Inn, Morgan Row, Cwmbach	Proposed conversion of 13 Morgan Row to provide extension to public house	Granted 17/02/82

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received which has been signed by 11 residents of Phillip Row, making the following comments (summarised):

- Phillip Row is a narrow residential street which already has significant parking issues due to the number of vehicles in the street. Further, the adjacent streets, Morgan Row to the north and Cefnpennar Road to the south, are also often overcrowded due to the hairdressing salon and the parking restrictions respectively. The proposed flats would exacerbate these issues.
- The parked cars along the adjacent streets restrict the views out of Philip Row. The proposed flats would exacerbate these issues.
- A number of streets in the locality do not have footways and people regularly park on the footways in the streets that do as they are so narrow. As such pedestrians are often forced to walk in the highway. The main road is a bus route and this situation is not safe for pedestrians. The proposed flats would exacerbate this issue.
- The extension does not relate well to the character and appearance of the surrounding locality.
- The windows within the extension directly overlook the adjacent properties along Phillip Row.
- The re-opening of the public house may lead to noise and disturbance and encourage anti-social behaviour in the area.

- The access into the site is not suitable and may hinder emergency vehicle access along Phillip Row.
- The extension has been completed prior to the applicant applying for planning permission.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

Land Reclamation and Engineering – no objection.

Countryside, Landscape and Ecology – no objection.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare, 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 – focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary and the conversion of suitable existing buildings.

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;
- Development of flats.

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) 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 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development.

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

Full planning permission is sought the extension and conversion of this commercial property to provide 2 no. additional self contained flats (3 in total) at first floor level. This application is a resubmission of the previous scheme ref. 15/1160/10 which was refused due to its potential impact upon highway safety in the vicinity of the site. Following the previous refusal, the applicant entered discussions with the Council in order to try and overcome the highway safety issues. In light of those discussions, this application has been submitted whereby a number of amendments to the access and parking area have been made which are detailed below.

The building is situated inside of the defined settlement limits of Aberdare and within an established residential area of Cwmbach. It is therefore considered that the development would be compatible with the surrounding land uses and the proposed scheme, in principle, is acceptable, subject to an assessment of the following criteria.

Visual Impact

The application property forms a prominent feature at the junction of Cefnpennar Road and Cwmbach Road, however, a period of underuse and neglect has meant that it has fallen into a poor state of repair. The application seeks to bring the building back into use by way of an extension and its refurbishment that would retain much of the properties original character. The external alterations are limited largely to repairs and maintenance which would undoubtedly improve the current appearance of the property. The only noticeable alteration would be the rear extension.

The extension forms a considerable addition to the property, however, it is sited to the rear elevation where it is not visible from the main highway and has no impact upon the buildings principle elevation. It is acknowledged that it forms a visible feature from the dwellings along Phillip Row, but the flat roof has been erected at the original eaves height, below that of the original gable projections and therefore the structure is not considered to appear overly prominent or dominant in the street scene. Further, the extension has not yet been finished and it is considered that once the external finishes have been applied, its visual impact will be significantly reduced. It is however considered that a condition should be added to any consent requiring the finishing works be completed within 3 months of approval in order to ensure that this is the case.

In light of the above, whilst the comments raised by the objectors in this regard are noted, the development is considered acceptable in respect of its impact upon the visual amenity of the area.

Residential Amenity

It is noted that the residents of Phillip Row have a number of concerns in respect of the impact of the development upon the residential amenity and privacy standards they currently enjoy. However, the properties along Phillip Row are sited at a higher ground level than the application site and therefore given the difference in ground levels and the separation distance of roughly 14 metres between the two, it is not considered the extension has caused any overbearing or overshadowing impact. Further, whilst it is noted that a number of additional windows and doors have been sited within the rear elevation facing the properties along Phillip Row and a degree of overlooking will inevitably occur, again, given the difference in ground levels and the separation distance, it is not considered any potential impact would be significant enough to warrant refusal of the application.

It is acknowledged that the accommodation of two additional flats at the premise will increase the comings and goings to and from the property, but it is not considered that these movements would result in significantly more noise and disturbance in comparison to that which could currently occur and would therefore warrant refusal of the application.

It is also noted that the objectors have commented that the re-opening of the public house use at the premise would lead to additional noise and disturbance and may possibly encourage anti-social behaviour in the area. However, whilst it is

acknowledged the public house has been closed for some time, the properties current lawful use is that of a public house with a flat above and therefore this use could be reinstated at any time without the need for planning permission. As such, this application simply seeks consent for the additional first floor flats and associated works and these concerns cannot be taken into account during the determination of the application.

Subsequently, having considered the relationship between the proposed flats and the existing properties, whilst it is acknowledged a degree of impact will inevitably occur, on balance, the application is considered acceptable in this respect.

Highway Safety

As detailed above, the previous application ref. 15/1160/10 was refused due to its potential impact upon highway safety in the vicinity of the site. It was considered that Phillip Row is sub-standard as a primary means of access and that the proposed development would increase on-street car parking in the area to the detriment of safety of all highway users. Following the previous refusal, the applicant entered discussion with the Council in order to overcome these concerns. As such a number of amendments have been made and the current scheme now proposes primary access off Cwmbach Road/ Morgan Row, 4 no. off-street parking spaces within the curtilage of the site, and a number works to the adjacent highway that will improve safety for all users.

Therefore with regard to the potential impact of the current scheme upon highway safety, whilst it is acknowledged that concerns have been raised by local residents in this respect, following consultation, the Council's Transportation Section raised no objections to the proposal, subject to a number of conditions.

The Transportation Section commented that the application site is surrounded by adopted highway with primary access for the public house served off Cwmbach Road, as existing, and primary access for the flats served off Morgan Row which is acceptable.

With respect to Phillip Row, it was commented that the street has a carriageway width of 4.1 - 4.2m with a 1.6m wide footway on the opposite side to the proposed flats and the footway at either end of Phillip Row is elevated meaning that pedestrians are forced to share the same surface as moving vehicles at the junctions of Phillip Row which is of concern. Further, there is considerable parking on Phillip Row due to the nature of terraced dwellings, having no off-street car parking. This in turn narrows the available width to single file traffic to the detriment of safety of all highway users and free flow of traffic. However, taking into account that Phillip Row will be used as secondary access only for off-street car parking with primary access for deliveries off Morgan Row, on balance, the proposal is acceptable in this respect. Additionally, the applicant has proposed to widen a section of carriageway at the vehicular access/egress point by 1m taking the total carriageway at this section to 5.1m which is acceptable, subject to detailed design.

In terms of visibility, the Transportation Section commented that visibility from Phillip Row onto the junction of Morgan Row is sub-standard to the left being 2.4m x 12m, which is of concern, but is satisfactory to the right being 2.4m x 40m+ which is in accordance with TAN 18 for a 30 mph speed limit. However, by widening the carriageway at this point the visibility at the junction would be significantly improved which is acceptable. At the opposite end of the street visibility from Phillip Row to Cefnpennar Road is also sub-standard in both directions, 2.4m x 12m left and 2.4m x 36m right, which is also of concern, however, taking into account the limited extra traffic that would be generated by two additional flats, on balance, the proposal is also acceptable in this respect.

It was also noted that the junction of Phillip Row with Cefnpennar Road is sub-standard and at an acute angle which also causes concern. However, the applicant has proposed to overcome these concerns by using Phillip Row for off-street car parking only with primary access off Morgan Row and therefore, given the limited traffic generated by two additional flats, on balance, the proposal is also acceptable in this respect

With respect to the access to each flat, it is noted that the applicant proposes to create a pedestrian access off Morgan Row and then access to each flat would be via the buildings rear elevation. Whilst an access via the front of the building would be preferable, in this instance, the extension has already been erected and the accesses are already in place. Further, it is not considered that an appropriate access could be introduced through the ground floor public house unit which may be closed during the daytime. Further, given the arrangement of the property and its curtilage, the rear of the site fronts Phillip Row and therefore has a relationship with a residential street. It is also noted the Transportation Section commented that the primary access off Morgan Row is acceptable. Consequently, whilst it is acknowledged that SPG Development of Flats advises that accesses to new flats should be via the front elevations wherever possible, the primary access to the site off Morgan Row and existing rear access to each flat are considered the most appropriate option in this instance and are therefore acceptable.

With respect to parking provision, there is concern that the existing public house and two bedroom flat requires up-to a maximum of 42 off-street car parking spaces with none provided which results in vehicles indiscriminately parking in the surrounding residential streets, narrowing the available width to single file traffic to the detriment of safety of all highway users. Therefore with the addition of two more flats at the property this problem could be exacerbated as they require 1 space per bedroom in accordance with the SPG Access, Circulation & Parking and therefore the maximum required for the residential element of the scheme is 5 spaces (2 x 1 bedroom flats and 1 x 3 bedroom flat) taking the total including public house to 45 spaces. However, the submitted layout plan proposes 4 no. off-street car parking spaces within the curtilage, which given the sustainable location of the application site, close to local amenities and public transport, on balance, is acceptable.

Therefore, in conclusion, whilst the comments received from local residents in respect of highway safety are acknowledged and there is some concern in this

respect, the proposal provides for acceptable access and parking provision and would also provide carriageway widening along the vehicular access/egress point onto Phillip Row which will improve access for all residents of Phillip Row and visibility at the junction. Consequently, the proposal is considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site, 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 suggested a number of conditions 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.

Other Issues

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 drainage and ecology respectively. Their responses raised no objection to the planning application subject to standard conditions and advice. Further, no adverse comments have been raised by Dwr Cymru Welsh Water.

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

Whilst it is acknowledged that some impact will inevitably occur, it is not considered the proposed development would have a significant enough impact upon the character and appearance of the locality or the amenity and privacy standards currently enjoyed by the surrounding properties to warrant refusal of the application. Furthermore, following consultation with the Council's Transportation Section, it is not considered the creation of two additional residential units at the property would adversely impact upon highway safety in the vicinity of the application site subject to the works detailed in the conditions below being carried out prior to beneficial occupation. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plans ref. Site Location Plan, Existing/Proposed Ground, Existing First, Proposed First Floor, Existing/Proposed Right Side, Existing/Proposed Left Side, Existing/Proposed Front, Proposed Rear, Existing Side, Existing Rear, Site Plan, Side Elevation and Revised Site and Access Plan and documents received by the Local Planning Authority on 19/04/16, 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.

2. Notwithstanding the approved plans, no further development shall take place until full engineering design and details of the road widening along Phillip Row including tie in details with Morgan Row and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. No further development shall take place until details of traffic management and wheel washing facilities have been 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, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Within 56 days of the date of this consent, the rear extension shall be finished in materials and a colour details of which shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this consent.

Reason: To reduce the visual impact it has within the surrounding locality in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

5. The electricity pole / street lamp column affected by the proposed access shall be relocated in a position to be agreed in writing by the Local Planning Authority and statutory undertakers prior to any further works commencing

on site.

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

6. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out and in accordance with the submitted site plan dated 19th April 2016 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

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

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the LPA.

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.

8. HGV's used as part of the construction shall be restricted to 09:30am to 15:30pm 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:	16/0657/23	(HW)
APPLICANT:	Network Rail	
DEVELOPMENT:	Proposed construction of an Access for All footbridge incorporating lifts. Removal of the existing stepped footbridge.	
LOCATION:	TAFFS WELL RAILWAY STATION, CARDIFF ROAD, TAFFS WELL, CARDIFF, CF15 7PE	
DATE REGISTERED:	02/06/2016	
ELECTORAL DIVISION:	Ffynon Taf	

RECOMMENDATION: Approve

REASONS: The application is for prior approval under Part 11 of the Town and Country Planning (General Permitted Development) Order 1995. While all usual material planning issues can be considered, prior approval can only be refused if:

- i). it is considered the development could reasonably be carried out elsewhere on the station;
- ii). the design or external appearance of the bridge is considered to “injure” the amenity of the neighbourhood and is reasonably capable of modification to avoid this.

The main issues are considered to be the visual impact of a bridge that is a significantly higher and more bulky structure than the existing and the impact of this structure on the amenity of neighbours. While it is considered that the bridge would have a significant visual impact, it is accepted that the height and bulk of the bridge are required to accommodate the lifts for “Access for All”, as well as provide enough clearance for cables required for future electrification. In respect of neighbour amenity, it is accepted that the impact will be greater than the existing bridge due to the increase in height and that the bridge will be closer to a greater number of residential properties than the existing. However, the increased impact is not considered to be so great that it would be unacceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been reported to Committee as an objection has been submitted, signed by residents of seven addresses. Given this, and that this is a large structure with wider impacts than just on the immediately adjacent properties, it is considered appropriate that this application should be considered by the Development Control Committee.

APPLICATION DETAILS

Prior approval is sought under Part 11 of the Town and Country Planning (General Permitted Development) Order 1995, for a new “Access for All” footbridge to replace the existing footbridge at Taffs Well Railway Station. The deck of the bridge span is 4.7 metres in height from platform level, which is higher than the existing bridge, where the deck is 3.42 metres from the platform level. Either side of the bridge span are two lift shafts which rise significantly above this at 10.260 metres in height from platform level. There are also steps leading down to either platform, which project 5.1 metres to the north west as opposed to 3.4 metres for the existing, due to the increased height. The new bridge will also be located immediately in front of the

span of the existing bridge, and due to this and having to accommodate the lift shafts and associated landing platforms, the bridge will project in total 6 metres further to the north west than the existing bridge.

In terms of materials, it is proposed the bottom of the lift shafts will be red brick with the rest of the bridge finished largely in “holly bush green” steel cladding. On the south west side of the bridge, the steps will have solid screening panels on the outside, with railings used on the other sides of the steps.

While all usual material planning issues can be considered, as this is an application for prior approval rather than a full planning application, prior approval can only be refused if:

- i). it is considered the development could reasonably be carried out elsewhere on the station;
- ii). the design or external appearance of the bridge is considered to “injure” the amenity of the neighbourhood and is reasonably capable of modification to avoid this.

As well as the plans, an accompanying letter explaining the development has been submitted.

SITE APPRAISAL

Taffs Well Railway Station is in the south of Taffs Well. It has two platforms, and there is an existing stepped footbridge, details of which are given above. On the north east side of the station is the station car park and the Garth Works Industrial Estate. To the south west there are mainly residential properties, the closest of which to the site of the bridge are 1 and 3 Cardiff Road (N.B. No 1 is a business at ground floor level, but has residential accommodation above) and Llys Haf, which is a development of 16 flats.

PLANNING HISTORY

12/0380/23	Prior approval of design and external appearance of works to Taffs Well Station, including modular station building and replacement footbridge (not implemented).	Prior approval granted 28/05/12.
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PUBLICITY

Site notices were placed in the vicinity of the site and letters were sent directly to neighbouring properties.

One letter of objection was received, but it was signed by residents of seven local addresses. The comments made are summarised as follows:

- Concern regarding a lack of consideration of the 16 flats at Llys Haf. Some of the flats are very close to the platform. Also no. 12 Alfred's Terrace is only a few metres away from the station platform.
- From some flats the existing bridge and platform can easily be seen as can people walking over the bridge. People can also be heard using the station platform, which is already impacting on the amenity of residents.
- There is no mention of the mature trees on railway land between the platform and residential properties. These mature trees are the only privacy for residents- there is concern they may be damaged or chopped down during the works. There are also concerns about trees and shrubs in the gardens of the flats being damaged due to the works.
- While the mature trees do provide some privacy, during the months October to May residents can clearly see through the bare trees to both platforms, the bridge and railway line.
- The new bridge is to be sited further to the north which means that it will be closer to the flats than it is at the present time. Therefore there is concern it will intrude on resident's privacy. It should be sited further away from residential dwellings.
- During construction, all site buildings and machinery should be placed and parked to the rear of the BT building to avoid impacts on residents, particularly at night. There is also space on the opposite side of the railway line for temporary buildings; there are no houses on that side of the railway line. All staff working on this site should show due consideration for residents who need to sleep. The majority of residents at Llys Haf are retired and will be at home more often than people who go out to work.
- There is no mention of how long, when, and times the work will be carried out, and there is concern works will be carried out at night, causing adverse noise impacts at night. A temporary sound barrier should be erected between the platform and residential properties. Work should only take place during Monday to Friday.
- It would be a good idea for residents to have a consultation meeting with the contractors involved before the work starts and there should be a Schedule of Works available to residents to be updated regularly if there are to be changes to the schedule.

CONSULTATION

Highways - no objections raised, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

Policy AW5 - New Development.

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 8 - Transport is relevant to the determination of this application.

REASONS FOR REACHING THE RECOMMENDATION

The key issues are considered to be the visual impact of the bridge and its impact on neighbour amenity.

In respect of visual amenity, it is accepted that the bridge is higher and more bulky than the existing more standard footbridge. On the north east side of the station, because of the adjacent space due to the road and car park, and also the nearby larger scale industrial buildings, the visual impact is not considered to be so significant. However, on the south west side, the bridge is close to smaller, mainly residential properties, and therefore is considered to have a more significant visual impact when viewed from certain points.

However, it is not considered that the surroundings are visually sensitive to the extent that the bridge would “injure” the visual amenity of the local area. In addition, it is accepted that the height and bulk are largely a function of the purpose of the bridge. The height of the bridge (and subsequently the projection of the steps) is required to accommodate future electrification and the lift shafts are required to accommodate inclusive access.

In respect of residential amenity, it is acknowledged that a higher bridge brought closer to more residential properties on the south west side would have a greater impact on neighbour amenity in terms of outlook and impact on privacy than the existing. 2.1 metre high screening has been proposed along the outside of this set of steps to limit this impact, particularly in respect of the two properties (1 and 3 Cardiff Road) immediately adjacent to this. In respect of Llys Haf, it is acknowledged that the view down the steps has a greater impact on privacy than the existing bridge. However, the increased impacts on privacy and outlook are not considered so significant to “injure” residential amenity due to the bridge being there to facilitate movement rather than people staying there for any length of time and the adjacent trees alongside the platform. It is also noted that the bridge is approximately 19 metres from the flat in Llys Haf. In respect of the ability to be able to move the bridge elsewhere to mitigate any impacts, Network Rail have advised that it cannot be sited further southwards due to the presence of a trunk sewer and buried services immediately to the south of the station. In addition, they have advised as the two platforms are staggered, the location of the proposed footbridge is already at the most southerly point of the Cardiff bound platform. They consider locating the new footbridge further northwards would have a much greater impact upon the amenity and privacy of adjacent residents.

In respect of the trees alongside the platform, Network Rail have confirmed that no work is proposed to these.

OTHER ISSUES

In respect of the other issues raised by residents, Network Rail have advised that matters such as the location of the site compound have not yet been identified, but, it is common practice for Network Rail to site such compounds on Network Rail land and to position compounds away from residential areas wherever possible. They have also stated that Network Rails Community Relations Team work closely with local residents and local businesses before implementing any development proposals. They have confirmed the project team would be happy to meet residents to discuss their concerns. However, they have also said that, due to the operational nature of the railway, limiting the works to Monday to Friday would not be achievable and some weekend works would be required. That the works could not reasonably be limited to Monday to Friday is accepted, and a condition for a construction method statement is recommended, to ensure the construction does not impact significantly on residential amenity.

COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

CONCLUSION

While it is acknowledged that the bridge would have greater visual and residential amenity impacts than the existing, these are not considered to “injure” the amenity of the local area, and therefore it is recommended that prior approval is given for these works.

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) 40 - 14001 - 105 Rev P2, 40 - 14001 - PL003 Rev P3, location plan and documents received by the Local Planning Authority on 2nd June 2016 and the approved plan No. 40 - 14001 - PL005 Rev P4 received by the Local Planning Authority on 9th August 2016, 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. The development shall not commence until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
 - a. the means of access into the site for all construction traffic;
 - b. the parking of vehicles of site operatives and visitors;
 - c. the management of vehicular and pedestrian traffic;
 - d. loading and unloading of plant and materials;
 - e. storage of plant and materials used in constructing the development;
 - f. wheel cleansing facilities;
 - g. the sheeting of lorries leaving the site;
 - h. the location of the site compound;
 - i. the hours of working;
 - j. the protection of trees alongside the platform during construction; and
 - k. measures to limit the impact of noise on neighbours.

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 and residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 4. No HGV deliveries shall take place during the construction period between the hours of 08:00 am to 09:00 am and 17:00 pm to 18:00 pm on weekdays to and from the site.

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.

- 5. The bridge shall not be brought into beneficial use until the screening of the steps has been completed, in accordance with drawing no. 40-14004-PL005 rev. P4.

Reason: In the interests of residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 16/0737/10 (EL)
APPLICANT: Edwards Investments & Trivallis
DEVELOPMENT: The retention of the ground floor retail unit, and the

conversion of the 2 upper floors of the building to form 6 no. units of residential accommodation (affordable housing) (C3) and associated works at 54-55 Taff Street. (Amended location 21/07/16).

LOCATION: **FORMERLY PHASE, 54-55 TAFF STREET,
PONTYPRIDD, CF37 4TD**

DATE REGISTERED: **13/07/2016**

ELECTORAL DIVISION: **Town (Pontypridd)**

RECOMMENDATION: Approve

REASONS:

The proposal would bring back into use a substantial building in the town centre, by providing a compatible retail use at ground floor level and 6 no. residential units on the upper floors. The impacts upon the character and appearance of the area, residential amenity and highway safety are all considered acceptable.

APPLICATION DETAILS

Full planning permission is sought for the refurbishment and change of use of 54-55 Taff Street, Pontypridd.

The scheme involves;

- the retention of the ground floor retail unit (Class A1)
- the conversion of the upper floors (first and second floors) of the building to form 6 no. 1 bedroom units of affordable residential accommodation (C3)
- and a series of associated works, including the provision of new shop front, facade treatments and alterations to the pattern of fenestration.

Minor increases in the floor area of the upper floors (first and second floors) are proposed by way of building out over existing projections at ground floor to the front and rear elevations. These would equate to a maximum increase of 1.6 metres to the front elevation and 2.0 metres to the rear.

It is noted that the neighbouring building 56-58 Taff Street benefits from planning permission for a similar conversion scheme, with works on this project nearing completion. Access to the upper floors and residential units in this building is gained via a dedicated entrance doorway off Taff Street (which sits between the two properties). The current application also seeks to utilise this pedestrian access to serve the proposed residential units at 54-55.

SITE APPRAISAL

The application property is located towards the northern end of Taff Street on its eastern side. The principal frontage of the property is on to Taff Street while the rear of the building faces the Gas Road car park, River Taff and Ynysangharad park. The property is a substantial building and presents a dominant appearance on this part of Taff Street, it is three storeys with a modern appearance, lacking in any traditional features of interest. To the front elevation, the upper (first and second floors) are set back from the ground floor shop front, which projects forward by approximately 1.6 metres. The building is a brick built construction with painted render elevations. The retail unit at ground floor level is vacant and the upper floors and basement are currently unoccupied. In terms of the wider locality, the property is situated within the principal shopping area of the town and it also lies within the town centre conservation area. It is opposite Ynysangharad Park which is on the CADW/ICOMOS register of historic parks gardens and landscapes in Wales.

PLANNING HISTORY

The most recent planning history is set out below:

00/2555	New shopfront signage and illuminated logo and projecting illuminated sign.	Granted with conditions 22/08/00
00/2328	New shop front (amended plans received 18/05/00).	Granted with conditions 08/06/00

PUBLICITY

The application was advertised by direct neighbour notification, site and press notices. No representations have been received.

CONSULTATION

Transportation Section – no objections raised, condition suggested.

Natural Resources Wales – no objections raised. The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. However, recognising the particular nature of this application, no objections are raised, as the proposed residential development is at first floor level.

Dwr Cymru / Welsh Water – no objections raised, conditions suggested.

Public Health and Protection – no objections raised.

Land Reclamation and Engineering – no objections raised.

Countryside, Landscape & Ecology – no objections raised. Given the evidence provided the agent and a site inspection, the building is classed as being of very low potential to support a bat roost; as such a full formal bat survey is not considered necessary in this instance. However, an informative note, drawing the applicant's attention to the need to consider bats during construction is recommended.

Housing Strategy - Policy SSA12 of the adopted LDP requires 20% affordable housing provision on sites of 5 units or more in the Southern Strategy Area. As the proposal concerned is for 6 residential units, 1 unit of affordable housing should be secured.

Policy Context

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries.

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

Policy CS5 - sets an expectation for the provision of affordable housing.

Policy AW1 – sets a target for the provision of new housing including amongst other things, through the conversion of suitable existing buildings.

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

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

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

Policy AW 7 - sets out the criteria for the protection and enhancement of the built environment.

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

Policy SSA1 – offers support for proposals that reinforce the role of Pontypridd as a principal town.

Policy SSA12 – advocates the provision of 20% affordable housing.

Policy SSA17 – promotes retail development and improvements within principal towns in the southern strategy area

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 10 (Planning for Retail and Town Centres) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

The current application represents a scheme for the refurbishment of 54-55 Taff Street, Pontypridd. The intention is to provide improved retail space at ground floor level, whilst bringing back into use the upper floors of the building through their conversion to residential units. As such, the key considerations in the determination of the application are whether the uses proposed are compatible with the building's town centre position. In turn it will also be necessary to consider the impacts of the resulting development upon the character of the building and its setting, amenity, highway safety and flood risk.

Principle of development

The application site is located within settlement limits, with the building occupying a prominent position on the main shopping street in Pontypridd town centre. The proposal seeks to establish a mixed use development, whereby the ground floor of the building would be occupied by a retail unit. This would be consistent with the requirements of policy SSA17, which seeks to promote Class A retail uses in Pontypridd town centre. It is also noted that the wider refurbishment of the building includes the provision of a contemporary shop front to the property, thereby ensuring an active frontage in the street scene and the replacement of a poor quality frontage.

With regard to the upper floors of the building, it is proposed that 6 no. 1 bedroom residential units be developed over two floors. As noted above, the site lies within settlement limits, where the principle of residential development may be considered acceptable. The introduction of residential units to the upper floors of the building represents an opportunity to bring back in to use an under used space, whilst also maintaining a round the clock presence in the town centre and adding to its vibrancy and vitality. It is considered that the proposed combination of uses accord with the requirements of policy SSA1 which seek to promote such uses in the principle town of Pontypridd.

Character and Appearance

As set out above, the building forms a prominent feature at the northern end of Taff Street; however a period of under-use and neglect, in addition to a series of unsympathetic alterations, means that it has fallen into a poor state of repair. The application seeks to bring the building back into use, and to maximise its full potential. A series of modifications to the building are proposed, including minor increases in the floor area of the first and second floors (over existing ground floor projections to the front and rear elevations). The most significant alterations relate to the facade fronting Taff Street. This would be 'built out' at the upper floor levels, so as to align with the ground floor shop front. At ground floor a contemporary 'frameless' glass shop front is proposed, whilst the upper (front) elevation would be finished in a natural stone cladding. To add interest to the elevation, projecting bay windows would be framed with metal effect cladding with standing seems.

As the site lies within the Pontypridd Town Centre Conservation Area, consultation has been undertaken with the Council's Conservation Officer. Their observations note that, in the absence of any traditional building to preserve, a good quality contemporary design is to be welcomed. The key elements of its design, such as its pattern of fenestration and shop front proportions, take inspiration from neighbouring buildings, which means that the proposal would integrate well in the street scene, yet still retain its own distinctive architectural style. It is also considered that the palette of materials proposed is acceptable, however a condition requiring the submission of samples of these materials is suggested.

Within the building it is considered that the layout is acceptable. This seeks to maximise the floor area available by the creation of 6 no. 1 bedroom units. Each unit benefits from a large kitchen/living space, 1 bedroom, bathroom and storage spaces. The agent has also confirmed that the layouts conform to the Development Quality Requirements (DQR) set out for social housing schemes. Overall, it is considered that the layout is appropriate to size of the building and would not constitute over-development of the site.

To conclude, it is considered that the proposed development would make a positive contribution to the character and appearance of the locality and is considered compliant with the requirements of Local Development Plan policies AW5, AW6, AW7 and SSA 1.

Residential amenity

Whilst the property is located within the shopping centre of Pontypridd it is acknowledged that there is the possibility that some of the buildings opposite the site (on Taff Street) may be occupied for residential purposes. The potential consequence of allowing such an arrangement is that habitable rooms could have facing windows at a distance of as little as 11metres apart. However this is considered acceptable on the basis that this is a town centre where in practice lower levels of privacy for residential units should be expected.

Similarly, it is noted that a conversion project on the neighbouring property in the street (56-58), is nearing completion. The neighbouring project is similar in terms of the combination of uses, retail on the ground floor and residential above. Furthermore, the current scheme seeks to utilise the pedestrian means of access (off Taff Street) that has been developed to serve the residential units above 56-58. Having assessed the scheme, it is considered that this arrangement is acceptable, thereby allowing greater flexibility in terms of the internal layout for the application property, whilst still retaining a means of access for future residents from the main street that fronts the site. It is also noted that both properties rest within the control of the applicant.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, their assessment concludes by raising no objections to the proposal in highway safety terms. It is noted that the scheme does not provide any off-street parking, however there is not scope to provide any within the curtilage of the site. Furthermore, it is important to note that the site represents a sustainable location being located in the town centre where a range of services and public transport options are easily accessible.

Flooding

Consultation with Natural Resources Wales has revealed that the application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be within 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river.

However, having assessed the scheme, Natural Resources Wales conclude by raising no objections to the application, commenting that they consider the risks could be acceptable, subject to the developer being made aware of the potential flood risks. This view is based on the fact that the most vulnerable use (residential) is located on the upper floors of the building; with the ground floor being retained for retail purposes.

In light of the above the proposal is considered to comply with policies AW2 and AW10 of the Rhondda Cynon Taf Local Development Plan insofar as they relate to the issue of flooding.

Affordable Housing

Under the provisions of policy SSA12, schemes which propose more than 5 residential units in the southern strategy area are required to make a provision of 20% affordable housing. If the current application were for market housing, this would equate to 1 residential unit or a commuted sum equivalent to the value of the

on-site provision. However, in this instance the application is made by joint parties, those being Edwards Investments (as landowner) and Trivallis (formerly RCT Homes). The agent has also confirmed that all 6 of the residential units would be developed as affordable units of accommodation and a legal agreement between both parties (outside of the planning process) has been prepared to this effect. It is also worthwhile noting that this would be in line with the current arrangements at the neighbouring development site (56-58) whereby RCT Homes have the leasehold for the flats that have been developed on the site.

Notwithstanding the above, in order to address any subsequent potential changes in ownership/ circumstance and to ensure that the scheme would remain compliant with policy SSA12, and a condition is suggested which would require a minimum contribution of 20% affordable housing, along with the provision of details to the Council of the arrangements for the transfer of the unit to an affordable housing provider or Registered Social Landlord.

As such, in this case it is considered that the requirements of policy SSA12 are satisfied.

Community Infrastructure Levy

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 2 of Rhondda Cynon Taff's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

However as in this case the residential floorspace created would be for social housing, the CIL charge (including indexation) for this development is £nil.

Conclusion

Overall, the application is considered to comply with the relevant policies of the Local Development Plan in respect of retail centres and conservation areas. Moreover the proposed development represents an opportunity to bring back into beneficial use a prominent building in the town centre, not just by the provision of a retail unit but also through the provision of new residential accommodation which will of itself bring greater vitality back into the town centre. Therefore the proposal is recommended for approval, subject to the conditions specified.

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)
- A001 (B) Site location plan
 - A002 (A) Existing site layout
 - A003 (A) Existing floor plans sheet 1
 - A004 (A) Existing floor plans sheet 2
 - A005 (A) Existing elevations A005
 - A006 (A) Proposed site layout
 - A007 (B) Proposed upper floor plans
 - A008 (B) Proposed elevations sheet 1
 - A009 (B) Proposed elevations sheet 2
 - A010 (B) Context elevation

and documents received by the Local Planning Authority on 18/07/16, 05/08/16 and 06/09/16 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. Before work starts, the design details and samples of the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) the 'frameless shopfront' product;
 - (b) Natural stone cladding
 - (c) Projecting bays in metal effect cladding
 - (d) Rainwater goods
 - (e) roofing slates
 - (f) shop fascia and signage

Drawings/cross sections shall be submitted to an appropriate scale. Thereafter the works shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. No works of conversion shall begin until a scheme for the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to ensure an appropriate level of affordable housing contribution is provided, in accordance with the requirements of policy SSA12 of the Local Development Plan and Technical Advice Note 2: Planning and Affordable Housing.

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APPLICATION NO: 16/0778/10 (EL)
APPLICANT: University of South Wales
DEVELOPMENT: Development of an unheated indoor 3G sports pitch with a two storey front of house wrapping around accommodating clean changing rooms for the pitch, muddy changing rooms for the external pitches, treatment rooms, a strength and conditioning room, staff offices, 3 large classrooms, teaching/observation seating as well as the necessary ancillary spaces. An existing changing room pavilion will be demolished and in its place extra car parking spaces will be provided made to match existing and a larger pedestrian route. A new car park will be proposed at the lower site facilitating coach/mini bus drop off, additional parking, vehicular road access to the proposed new academic building and a safe pedestrian route to connect the lower car park to the Sports Centre which will act as the main reception.
LOCATION: UNIVERSITY OF SOUTH WALES SPORTS PARK, MAIN AVENUE, TREFOREST INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5UP
DATE REGISTERED: 21/07/2016
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve

REASONS:

The site represents a existing sports and educational training facility, located within settlement limits, that is operated by the University of South Wales. The current scheme seeks to provide additional and improved facilities at the site, including an indoor sports pitch and teaching facilities, improved access and additional car parking. The scheme is considered acceptable, in terms of the compatibility of the use, with neighbouring land uses and its impact upon the character and appearance of the area. The scheme is also considered acceptable in terms of its potential impacts upon highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of improved sports and educational facilities at the University of South Wales Sports Park, Main Avenue, Treforest Industrial Estate, Pontypridd.

The scheme involves the following:

An Indoor Sports Pitch and Training Facility

- The erection of a new academic building and training facility within USW's Sports Park site (Use Class D1). The building (which would have a floor area of 10,185m²) would be divided into two parts those being; the covered pitch and the front of house facilities. The pitch would be an unheated covered artificial sports pitch with perimeter storage. The front of house building would range from 1 - 2 storeys, wrapping around the pitch on two sides and linking into the existing sports centre building. The front of house would include separate changing areas for the indoor and external pitches, a strength and conditioning lab, treatment rooms, staff offices and teaching spaces.
- Improvements to the means of access to the site by way of the widening of the access road.
- The provision of a new car park on a parcel of land that previously formed part of the former Remploy site. This car park would be situated adjacent to Main Avenue and would provide 74 car parking spaces. Controlled access through the use of fobs would be implemented.

- The provision of 5 car parking spaces in front of the proposed building. This would primarily be for disabled access and refuse collection.
- Hard and soft landscaping works to create an attractive public realm and a consistent 'campus' environment between the proposed development and the existing buildings on the site.
- Provision of a new bin store.
- The upgrading of the electricity substation.
- The demolition of an existing pavilion which provides changing facilities on the site. This would provide further additional car parking.

It is noted that whilst facility would be used primarily by the University of South Wales, the sports park would also be open to the public on a commercial basis offering a range of training activities. These include; providing a training and match venue for (amongst others) the Athletic Union Teams; and training venue for the British Lions, Welsh Football Trust, Cardiff Blues Academy and Cardiff City Football Club Academy.

The application is accompanied by the following information:

- Phase 1 Ecological Survey and targeted Phase 2 survey information.
- Flood risk assessment.
- Tree report and arboricultural impact assessment.
- Transport assessment and Travel Plan information.
- Landscape mitigation strategy.
- Flood Consequences Assessment.
- Geotechnical Desk Study (including Coal Mining Risk assessment)

SITE APPRAISAL

The application site extends to cover an area of land measuring approximately 27000sq.m (2.7 hectares). The application site is divided into two main land parcels. The upper section of the site represents the existing sports facility, which comprises 11 sports pitches, an existing Sports Centre (providing coaching and performance development training) and a smaller single storey pavilion (providing changing facilities). A further single storey building, used by Cardiff City Football Club Academy is located on the site, along with a large surface car park. The lower section of the site consists of a parcel of land that was formerly part of the 'Remploy site' and lies parallel to Main Avenue, the main road through the industrial estate. Access to the site is gained via a highway that connects with Main Road (to the

west). The immediate area surrounding the application site is predominantly commercial/ industrial in character. To the far north east the A470 is visible, with the residential street of Heol Ty Maen being situated to the far north of the site.

PLANNING HISTORY

11/0127	Construction of single storey building with additional car parking facility	Granted with conditions 11/04/11
09/1080	Location of wind turbine at University of Glamorgan playing fields. Height of turbine - 19.8m to tip of blade. 15m to top of mast. 15kw output - 3 phase. (amended location plan showing new proposed location received 20/08/2010.)	Granted with conditions 27/09/10
08/1903	Educational sports building incorporating, 6 court main hall with ancillary teaching, testing and changing areas, staff and administrative areas and a student social facility.	Granted with conditions 11/05/09
08/1037	110 seater enclosed spectator stand. (Amended description received 24/07/08)	Granted with conditions 03/09/08
06/0398	The provision of a synthetic playing surface with 2.5m high chain link fencing surround and floodlighting pylons	Granted with conditions 06/07/06
05/1103	Advertisement consent - directional signage works	Granted with conditions 02/09/05
00/2759	An indoor training barn & associated facilities for use by the university and welsh rugby union	Granted with conditions 10/11/00
98/2233	Extension to existing changing rooms, new floodlighting, new all weather sports pitch and replace existing redgras.	Granted with conditions 12/06/98
81/1320	8 No Floodlights	Granted with conditions 09/10/81
78/0514	Construction and erection of pavilion	Granted with conditions

12/06/78

75/0957 Preparation of playing field for Glamorgan
Polytechnic

Granted with
conditions
18/12/75

PUBLICITY

The application was advertised by direct neighbour notification and site notices. One letter of representation has been received which enquires whether a pelican crossing will be installed to deal with the increased pedestrian use of Main Avenue.

CONSULTATION

Transportation Section – no objections raised, subject to conditions and the applicant entering into a legal agreement to secure a contribution of £75,000 toward the provision of a pedestrian crossing on Main Avenue.

Land Reclamation and Engineering – no objections raised condition suggested.

Natural Resources Wales – Flood Risk: Consultation with Natural Resources Wales has identified that a proportion of the application site lies within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 12: Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river.

In light of this fact, the application is accompanied by a Flood Consequences Assessment (FCA). However, having reviewed the FCA, NRW have recommended the use of alternative data to in order to ascertain (with a greater degree of certainty) if the car park is predicted to flood within both the 1 in 100 year plus climate change and the 1 in 1000 year flood events and if so, to what depths and velocities. At the time of writing the report the applicants are in process of updating the FCA, which in turn will require assessment by Natural Resources Wales.

Ecology - The Ecological Appraisal, that has been submitted in support of the application, concludes an existing pavilion building on site (that is to be demolished) to have low potential to support roosting bats. However, it advises a further emergence/re-entry survey, in accordance with published guidance.

At the time of the initial consultation with NRW this work had not been completed. However the necessary surveys were conducted during the first week of September and found that no bats were observed entering or exiting the building.

Public Health and Protection – no objections raised, site investigations conditions recommended.

The Coal Authority – no objections raised, condition recommended requiring further site investigation works be undertaken, prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site and any appropriate mitigation.

Planning Policy - no objections raised. The University of South Wales represents a very important employer in Rhondda Cynon Taf and also in the wider region. This area has become an established destination for high performance sport and further education and would represent the continued investment into the area. Therefore given that only a small part of the development is affected by SSA27 and that the remaining area of vacant land on which this is being located is not prejudiced from being developed for employment purposes, it is considered that this is acceptable.

Dwr Cymru/Welsh Water – no objections raised, conditions suggested.

Wales & West Utilities – apparatus may be located in the vicinity of the site, therefore may be at risk during construction works. The applicant must contact Wales & West Utilities directly to discuss the matter further and ensure no damage to their assets.

South Wales Police – no objections raised.

Welsh Government Highways – no objections raised

Glamorgan Gwent Archaeological Trust - no objections raised. The information in the Historic Environment Record curated by the Trust shows no recorded archaeological features within the area of the proposed development.

Sports Council for Wales - no objections raised.

Community Council - no objections raised.

Public Rights of Way Section – no objections raised. The site is crossed by a Public Right of Way PON/32/1. Whilst this public path originally linked to PON 33 at the former Tyn y Wern Farm by traversing the old Cardiff Railway, it no longer connects with any other public footpaths. It extends to approximately 80 metres and follows part of the access road that serves the site. The applicant may either apply for a temporary closure order (to cover the construction period) or make an application to extinguish the route.

Countryside, Landscape and Ecology – no objections raised, conditions suggested:

Ecology: The Ecological Report that accompanies the application provides an appropriate level of detail for the scheme and concludes that the site has a relatively low ecological value; however, there are protected species issues and areas of local valuable habitat (particularly brownfield marshy grassland areas.) These matters can be dealt with by the use of a condition requiring a Wildlife and Habitat Plan for Construction.

Trees: The proposed works involve the loss of a large swathe of planted trees (although a much greater area is left intact). An accompanying arboricultural report includes a variety of tree management recommendations and provides a plan and photos of those areas to be felled for this application. The trees in question provide some local amenity value, but their collective amenity value would not be likely to merit Tree Preservation Order designation. Conditions relating to site clearance, tree protection and management of new plantation edges suggested.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries, the majority of the site is unallocated, however the new car park lies within an area designated as Treforest Industrial Estate /Parc Nantgarw.

Policy CS2 sets out criteria for achieving strong sustainable communities in the southern strategy area.

Policy AW2 promotes development in sustainable locations.

Policy AW 4 identifies that Community Infrastructure & Planning Obligations may be used to make the proposal acceptable in land use planning terms

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

Policy AW6 sets out the criteria for new development in terms of design and place-making.

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

Policy AW10 sets out the criteria for environmental protection and public health.

Policy SSA13 sets out the criteria for development within settlement boundaries

Policy SSA27 sets out the criteria for development within Treforest Industrial Estate /Parc Nantgarw.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) Chapter 11 (Tourism, Sport and Recreation) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh

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

Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;

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 application site represents an existing sports and educational training facility, located within settlement limits, that is operated by the University of South Wales. The current scheme seeks to provide additional and improved facilities at the site, including an indoor sports pitch and teaching facilities, improved access and additional car parking.

As such, the key considerations in determining this application are the compatibility of the proposed expanded facilities within the established area and the impact of the development upon highway safety. The impact of the development upon the character and appearance of the existing site and immediate area, along with the potential impact upon ecology and the amenity of neighbouring occupiers are further considerations.

Principle of Development

In the assessment of any application for new development, the first consideration must be the location of the site in planning policy terms.

In planning policy terms, policies AW2 and AW5 provide the main criteria for the assessment of new development. Amongst other factors, these require development proposals are located in sustainable locations that have good accessibility and that the activities proposed would not unacceptably conflict with surrounding uses. In this case the site is located within settlement limits and furthermore, forms part of an established Sports Park that is operated by the University of South Wales. As such, the principle of the redevelopment of the site to provide enhanced facilities is considered appropriate.

However, despite being within settlement limits, it is noted that a proportion of the application site falls within an area designated as Treforest Industrial Estate /Parc Nantgarw, where Policy SSA27 seeks primarily to promote Class B1, B2 and B8, employment generating uses. In order to provide additional car parking for the proposal, the University have acquired a parcel of land, adjacent to the existing facility. The area of land in question forms part of the former 'Remploy site', which has been vacant for a number of years. Whilst it is acknowledged that the proposal to develop car parking on this site represents a departure from Local Plan Policy, in this instance the works are considered justified. It will be essential that additional car parking be provided to serve the new and improved facilities at the Sports Park, however, it appears that there are no other appropriate areas of land available to serve this purpose. It is also important to note that the proposed car park would only occupy a proportion of the former Remploy site (approximately a quarter) meaning that a large area would be retained for potential future development. This point is highlighted in the Design and Access Statement that accompanies the submission, whereby an illustrative plan is provided that demonstrates how the remaining land parcel may be developed. This indicates that it would be possible to develop 2 no. (2 storey) units of approximately 3200m², with associated car parking and access from Main Avenue. As such, in this instance, on balance it is considered that the loss of a proportion of a vacant site, that is allocated as employment land, would be neither harmful to or prejudice the character of the wider Treforest Industrial Estate nor would it conflict with the economic objectives of LDP Policy SSA27.

Character and Appearance

The full extent of the proposed works are set out above, however a major element of the scheme relates to the construction of a new academic building and training facility on the site of an existing grass pitch. The building (which would have a floor area of 10,185sq.m) would be divided into two parts those being; the covered pitch and the front of house facilities. The largest part of the building would accommodate the unheated covered artificial sports pitch with perimeter storage; this part of the building would extend to 104 metres in length and 71 metres in width, with a curved roof construction extending to 17.9 metres in height. The 'front of house' would range from 1 - 2 storeys and wrap around the south and eastern elevations of the main pitch building. This part of the building would also accommodate a direct link to the existing sports centre building. The 'front of house' construction would accommodate separate changing areas for the indoor and external pitches, a strength and conditioning lab, treatment rooms, staff offices and teaching spaces.

As a result of its size and scale, the building would inevitably form a prominent feature within the site and its immediate setting. However, it would read in the context of the wider site and sports campus. The building would be located to the rear of an existing sports centre, however a physical link between the two would be incorporated in the design, ensuring that the two buildings would be read as one 'unit'.

In terms of visual impact, from outside of the site, although the building would occupy an elevated position, in relation to Main Avenue (to the west) views from this point would be largely obscured by landscape screening and a band of mature trees along the western site boundary. Similarly to the east, boundaries are also defined by mature trees and landscaping, whilst there may be some long aspect views of the building from the A470, it would be viewed in the context of the wider industrial estate, with only the upper sections of the construction being most prominent. Within the site, whilst the building's design and layout is dictated largely by its function, interest would be added to the primary elevations (south and east) through the use of a mix of materials. The main elevations of the building would be clad in dark grey composite panels, with the roof being a white/opal semi-translucent polycarbonate material. Adjacent to sports pitches, elevations would be constructed in dark grey brick. The 'front of house' part of the building, accommodating the entrance, training and staff facilities would incorporate high levels of glazing with the upper sections being clad in a perforated anodised aluminium cladding.

Overall, although the building would be a substantial construction, it is considered that its potential impacts, in terms of massing and visual impacts have been appropriately managed by dividing the building into parts, with varying height and scale, and adding interest to, and defining key elevations through the use of materials and finishes. Furthermore, it is important to note that the development would be viewed in the context of the wider Sports Park facility.

As such, overall, it is not considered that the development would result in a harmful impact, upon the character and appearance of the application site or the wider Industrial Estate.

Residential amenity

The site comprises an area of land that forms part of an existing Sports Park, which itself lies within Treforest Industrial Estate. As such, there are only a few residential properties located in the vicinity of the site. The closest property is located adjacent to the access road, however this falls within the application site and blue line boundary and it is understood is occupied as a 'care takers' property. Aside from this, it is noted that to the north of the site is the residential cul-de-sac Heol Ty Maen. Whilst residents at the south eastern end of this street lie in relatively close proximity to the site, separation distances of approximately 80 metres would still be achieved. Furthermore, it is important to note that whilst the scheme involves a series of physical construction works, no change of use in the land is proposed; with the area of land closest to the residential dwellings currently being used for outdoor training. On this basis, it is believed that residents have become accustomed to the type of sports and training activities that are conducted on site. It is also important to note that as access to the site is gained off Main Avenue (to the west) residents on Heol Ty Maen would not experience any increase in terms of disturbance resulting from traffic attending the site.

Overall, it is considered that the nearest residents are located a sufficient distance from the application site so as not to be adversely affected, in terms of impacts upon

either amenity or privacy to a degree that would warrant the refusal of the application.

Highway Safety

As set out above, the application is accompanied by a Transport Statement, which provides information in relation to access, parking and circulation for the proposal. In order to aid in the assessment of the scheme upon highway safety, consultation has been undertaken with the Council's Transportation Section, their assessment, which raises no objections to the scheme, is detailed below.

In summary they conclude that the proposed development is intended to upgrade the existing facilities at the existing University Sport Park to better serve existing users, these comprise two main groups, students enrolled on sports related courses, utilising the facilities between the hours of 08:00 and 17:00; and secondly, members of the public and local groups utilising the facilities between 17:00 and 22:00 and by arrangement at weekends.

It is considered inevitable that as a result of the improvements to facilities at the site, there would be an increase in vehicular, pedestrian and cycle movements to and from the site. Some concern is expressed that the Transport Statement does not include detailed information in relation to trip generation; furthermore, it is noted that the roundabouts at Upperboat and Nantgarw, which provide access to the wider highway network operate at capacity at peak periods. In addition it is noted that there is a lack of safe pedestrian crossing facilities at Main Avenue, which would provide access to northbound bus stops and Treforest Industrial Estate railway station. However, further to discussions with the developer, with a view to overcoming these concerns, the developer has agreed to make a financial contribution towards the design, consultation and implementation of pedestrian and cycle crossing at the Main Avenue. It is considered that the provision of a crossing close to the facility would provide a safe means of access between the site and public transport links (bus stops and Treforest Industrial Estate Railway Station) thereby addressing the above-mentioned concerns and making the development acceptable in terms of pedestrian and highway safety.

Within the application site it is proposed that the access road be widened to 5.5 metres, with a new surface car park being proposed at the lower section of the site (former Remploy site), a series of footpaths are also proposed to connect the various areas of the site and improve pedestrian access. Supporting information demonstrates that the improvements to the access are acceptable and an appropriate level of off-street parking is provided. Whilst some modifications to the detailed design of footpaths are suggested, these matters can be dealt with by the use of an appropriately worded condition.

In addition to the above, the Transport Statement indicates that a travel plan covering all University of South Wales campuses including the Sport Park is currently being prepared by Atkins Transportation with the objectives of reducing fuel

usage, carbon dioxide emissions, and encouraging the use of alternative methods of transport. Whilst this is welcomed, some concern is expressed that the content of the travel plan may not address site specific issues, resulting from its location, being isolated from main campuses and with extended operating hours outside those of a normal educational establishment. As such, a condition has been suggested which would ensure the Travel Plan is site specific.

In summary, the proposed development provides acceptable access, circulation and parking, and together with a financial contribution (£75,000) to enable safe pedestrian links to the site, the proposal is considered acceptable in respect of highway and accessibility issues (subject to conditions) and therefore is in compliance with Policies AW2, AW5 and AW6 of the Local Development Plan.

Flood Risk

Consultation with Natural Resources Wales has identified that a proportion of the application site lies within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 12: Natural Resources Wales Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. In light of this fact, the application is accompanied by a Flood Consequences Assessment (FCA).

The FCA confirms that a large portion of the site, which includes the proposed new building, is not located within the 1 in 100 year plus climate change and the 1 in 1000 year flood outlines and therefore these aspects of the proposed development are in line with the guidance set out in A1.14 and A1.15 of TAN 15.

The proposed new car park, however, appears to be within the 0.1% (1 in 1000 year) flood outlines. Whilst the provision of car parking is defined as a less vulnerable development, the risks associated with flooding must still be considered.

Whilst the FCA aims to do this, NRW have recommended the use of alternative data to in order to ascertain (with a greater degree of certainty) if the car park is predicted to flood within both the 1 in 100 year plus climate change and the 1 in 1000 year flood events and if so, to what depths and velocities. At the time of writing the report the applicants are in process of updating the FCA, which in turn will require assessment by Natural Resources Wales.

It is anticipated that NRW is likely to highlight the dangers and risks of flooding at the site and that Flood Risk Management Plan measures may be required to mitigate any potential hazards in order to justify the development in compliance with Planning Policy Wales, TAN 15 and Local Development Plan Policy AW10.

In light of the above, should Members be minded to approve planning permission, it is requested that authorisation be given to Officers to allow any outstanding matters relating to potential flood risk within the car park to be fully resolved.

Ecology and Landscaping

The application is accompanied by an Ecological Appraisal that includes a Phase I Habitat Survey. Having reviewed the document it is considered that this provides an appropriate level of detail for the scheme and concludes that the site has a relatively low ecological value; however, it does identify some protected species issues and areas of local valuable habitat (particularly brownfield marshy grassland areas.)

As part of the application submission, it is proposed that an existing Pavilion building on site (currently used as changing facilities) be demolished. Despite being classed as having 'low potential' to support roosting bats, the report identifies the need to undertake an emergence/re-entry survey of the building. This work has now been undertaken and concludes that the building is not used as a roost by bats.

Having reviewed this information the Council's Ecologist raises no objections to the application, however it is recommended that should Members be minded to approve planning permission, then a condition requiring the submission of a Wildlife Protection Plan be attached to the consent.

It is acknowledged that the application proposes the loss of a number of trees, however, it is noted that a much greater area of existing landscaping will be left intact. An accompanying arboricultural report includes a variety of tree management recommendations and provides a plan and photos of those areas to be felled for this application. Whilst their loss is regrettable, as the trees in question provide some local amenity value, their collective amenity value would not be likely to merit Tree Preservation Order designation. As such, this aspect of the proposal is also considered acceptable. Nevertheless, a condition relating to site clearance, tree protection and management of new plantation edges is suggested.

Risk from past mining activities

The Coal Authority has advised that the site application site falls within a defined Development High Risk Area and there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Moreover, the Geotechnical Desk Study submitted with the application concludes there is a potential risk from past coal mining activity and therefore recommends that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues on the site. A condition is therefore recommended that requires these matters to be investigated and reported upon together with remedial measures and their implementation prior to the commencement of development to ensure the proposal complies with Policy AW10 of the Local Development Plan.

A search of Council records relating to potentially contaminating past land uses has also shown that Nantgarw Colliery formerly occupied the application site. As such, given the potential for contamination to exist on site, a site investigation condition is also recommended to deal with this matter.

Community Infrastructure Levy (CIL) Liability

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

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

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

As discussed earlier in this report the Transportation Section has drawn attention a lack of safe pedestrian crossing facilities at Main Avenue for access to the application development from northbound bus stops and Treforest Estate railway station, which is a highway safety concern. To mitigate these concerns and improve the accessibility of the proposal other than by car, and therefore make the development acceptable in planning terms, the applicant has agreed in principle to make a financial contribution of £75,000 towards the design, consultation and implementation of a pedestrian and cycle crossing facility close the site of the proposed development. It is considered that a Planning Obligation in these terms will meet the tests set out above.

Conclusion

In conclusion, the proposed development is acceptable though in view of the unresolved flood risk matters, in the event of Members being minded to support the development, further discussion is required with the applicant to secure proposals and mitigation that adequately address the potential for flooding at the site and its consequences for the development.

RECOMMENDATION: APPROVE, subject to

- **The recommended conditions set out below in this report;**
- **The Service Director Planning being authorised to add, amend or vary any condition before the issuing of the planning permission, providing such changes do not affect the nature of the development or permission;**
- **The applicant and any other interested parties first entering into a planning obligation under Section 106 to make a highways contribution of £75,000 towards the design, consultation and implementation of a pedestrian and cycle crossing at Main Avenue in close proximity to the development site.**
- **Dependant on Members' resolution in respect of the above that the Service Director Planning be authorised to enter into further discussion with the applicant (and/or their agents/representatives) in order to secure proposals to establish that risks and consequences of flooding can be properly managed in accordance with TAN15, providing such proposals and mitigation do not affect the nature of the development or permission. If the proposals and level of required mitigation provision identified above have not been agreed that a further report on the application be brought back to a future meeting of this Committee confirming the outcome of those further discussions.**

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)
 - ATK-5142692-PL-L-4995 existing site levels
 - ATK-5142692-PL-D-0001(A) Drainage arrangements
 - ATK-5142692-PL-L-4900(01) Tree Protection and Clearance
 - ATK-5142692-PL-L-4901(01) Landscape General Arrangement
 - ATK-5142692-PL-L-4902(01) Landscape Hardworks
 - ATK-5142692-PL-L-4903(01) Landscape Planting Palette

- ATK-5142692-PL-L-4904(01) landscape Indicative Levels
- SII-ATK-EL-A-1400 Elevations
- SII-ATK-XX—PL-A-0501 Proposed site context
- SII-ATK-00-PL-A-1100 Level 0 General Arrangement Plan
- SII-ATK-01-PL-A-1101 Level 1 General Arrangement Plan
- SII-ATK-XX-PL-A-0401 Existing site wide plan
- SII-ATK-XX-PL-A-0400(01) Site Location Plan

and documents received by the Local Planning Authority on 21/07/16 and 16/08/16 and 24/08/16 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. The development shall not be brought into beneficial use 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. Notwithstanding the submitted layout plan, full engineering design and details of the access improvements between Main Avenue (A4054) and the development site, including improvements to provide pedestrian and cycle link between the development and facilities at Main Avenue (A4054), 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 use.

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

6. Prior to the commencement of development, details of the provision and operation of wheel washing facilities and measures to ensure that lorries leaving site are adequately sheeted 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.

7. No Heavy Goods Vehicle deliveries shall take place during the construction period between the hours of 07:30 am to 08:30 am and 16:00 pm to 17:30 pm on weekdays to and from the site.

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

8. Surface water run-off from the proposed development shall not discharge onto the public highway or connect 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.

9. Within 6 months of beneficial occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:-

- Travel Plan Co-ordinator;
- Site specific 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; and fallback position if the targets set have not been achieved.

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

Reason: To encourage sustainable modes of travel and reduce single car occupancy in the interest of highway safety and free flow of traffic.

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

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan .

11. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
- A desk-top study 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.
 - a) A site investigation shall be carried out 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 agreed in writing with the Local Planning Authority.
 - b) A written method statement for the remediation of contamination affecting the site

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

12. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition *[insert number]*) 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

13. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed 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

14. 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.

15. 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:
 - e) Compliance with legal consents relating to nature conservation;
 - i) Compliance with planning conditions relating to nature conservation;
 - ii) Installation of physical protection measures during construction;
 - iii) Implementation of sensitive working practices during construction;
 - iv) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - v) 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.

16. 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

17. Prior to commencement of development details of a scheme of intrusive site investigations on the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall establish the exact situation regarding coal mining legacy issues on the site. Following the undertaking of the approved scheme of intrusive site investigations, a report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide details of any remedial works that may be required. Thereafter, the development shall be completed in accordance with the findings and recommendations of the approved reports.

Reason: In order to establish the exact situation regarding coal mining legacy issues on the site, and 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.

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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

15 SEPTEMBER 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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