

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
3 NOVEMBER 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.6
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. 16/0205 - Propose a new detached two storey, three bedroom house with single garage and required parking etc., to be built next door and on the plot of no. 16 Willow Close, 16 Willow Close, Beddau, Pontypridd.
2. Application No. 16/0319 - Outline application for rural enterprise dwelling with all matters reserved. (Amended site boundary received 12/09/16), land at Rhiwgarn Fach Farm, Tonyrefail.
3. Application No. 16/0496 - Demolition of existing double garage and construction of new double garage in its place (Amended plans received 25/08/16), 2 Woodside Bungalows, John Street, Mountain Ash.
4. Application No. 16/0775 - New 3G Pitch plus additional car parking to the rear of the leisure centre, Waunrhydd Road, Tonyrefail, Porth.
5. Application No. 16/0877 - Proposed change of use from A1 to A3 hot food take away and installation of an extract ventilation flue to rear, Williams, 57 Tylacelyn Road, Penygraig, Tonypandy.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0205/13 (BJW)
APPLICANT: Mr M Prosser
DEVELOPMENT: Propose a new detached two storey, three bedroom house with single garage and required parking etc., to be built next door and on the plot of no. 16 Willow Close.
LOCATION: 16 WILLOW CLOSE, BEDDAU, PONTYPRIDD, CF38 2SJ
DATE REGISTERED: 21/03/2016
ELECTORAL DIVISION: Beddau

RECOMMENDATION: Approve.

REASONS: The application indicates a modest and contemporary dwelling on a restricted site within the settlement boundary that would be located within an existing residential estate. The proposal would make productive use of the site for residential purposes that would be in keeping with surrounding land uses and of a scale and design that would be sympathetic to the character and visual amenities of the area.

The relationship between the proposed dwellings and the closest existing neighbouring properties and the amended design is such that the proposal is not considered to cause detriment to their amenities.

The application is also considered to be acceptable in respect of its access and highway safety considerations, the impact on protected species and drainage issues.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Outline planning permission is sought for a single detached dwelling on land adjacent to 16 Willow Close, Beddau, with all matters of detail reserved for future consideration. However, the applicant has submitted scale parameters for the proposed dwelling as well as the access and turning arrangements and an indicative drainage layout.

The scale parameters of the proposed dwelling would be 9.95m in length by 6.5m in width by 5m in height to the eaves and 8m in height to the highest part of the roof.

Access to the property would be off the existing shared access drive and would feature a turning and parking area to the front of the proposed dwelling.

The application is accompanied by a design and access statement, a coal mining risk assessment a tree survey and a further tree survey for roosting bats in support of the application and in response to the request for further details.

SITE APPRAISAL

The application site comprises a plot of land situated toward the western side of no. 16 Willow Close, Beddau, predominantly comprising the side garden of the existing detached dwelling. The site has an irregular shape and covers a relatively flat area of approximately 500 square metres.

A mature tree line defines the western boundary of the site and extends north of the site where a number of mature Oak trees exist (protected under TPO's). Beyond the tree line further west are the rear garden spaces of detached properties situated along Llantrisant Road (B4595). The rear of the site is also directly abutted by the rear gardens of residential properties situated along Brynteg Lane.

Willow Close is a relatively modern cul-de-sac development comprising predominantly brick built detached dwellings. No's. 14 -16 Willow Close are accessed via a narrow private drive off the main cul-de-sac turning head.

PLANNING HISTORY

15/0020	Land adjacent to 16 Willow Close, Beddau, Pontypridd	Outline application for a detached two storey, four bedroom house, with single garage and required parking to be built next door and on the plot of no.16 Willow Close	Refused 10/03/15
14/0910	Land adjacent to 16 Willow Close, Beddau, Pontypridd	Subdivide existing building plot to accommodate one additional dwelling with garage and parking (Amended site plan received 10/9/2014)	Withdrawn 01/10/14
97/2262	Heol Dyfed, Brynteg Pontypridd	Erection of a four bedroom detached house (plot 17)	Refused 17/10/97
96/2341	Land off Heol Dyfed, Brynteg	Residential development of 30 no. two storey dwellings and associated works (amended site layout plan received 4.12.96)	Approved 18/02/97

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site and 6 letters of objection have been received the main points of are detailed below.

1. The concern is that storm water drainage would drain directly into a neighbour's garden/ditch and further parking areas would cause additional water runoff.
2. Loss of privacy and overlooking.
3. The plot is too small to accommodate an additional dwelling.
4. Since the previous application the applicant has removed existing trees and hedges on the boundary of their site in order to create greater space for this resubmission.
5. There are more than sufficient houses within this area.
6. The proposal does not respect local context and street pattern and is to the detriment of the local environment. The proposed development is entirely out of keeping with the area. It will also limit the space in the close especially between number 16 and the new dwelling.
7. The proposal would demonstrably harm the amenities enjoyed by local residents, in particular safe and available turning space and parking at the end of the close as well as parking for the existing homes in the parking space opposite number 15.
8. The proposal would result in the loss of valuable trees and green space, privacy and the right to enjoy a quiet and safe residential environment.
9. The proposal would increase the traffic using an already congested access and turning area.
10. Objections are raised on the grounds of access to the site. The streets leading to the site are narrow and due to lack of parking in the area vehicles are regularly parked on the access route into the site, making turning difficult.
11. More people and cars would use the already overused and small private driveway.
12. The tarmac on the driveway is fairly soft and would not support the weight of heavy vehicles. Residents would be left with a damaged driveway.
13. The existing turning space is already used for the parking of vehicles and it is indicated this is all owned by no. 16, which is not correct.
14. The scheme would cause significant construction disturbance.
15. The owners of the plot don't actually live at the site and have little consideration for the privacy and congestion issues suffered by other residents.

CONSULTATION

Transportation Section – no objection subject to conditions.

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

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

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

Wales and West Utilities – no objection. Standard advice offered in relation to safe working practices in the proximity of Wales and West Utilities apparatus.

Western Power Distribution - no response received.

Countryside, Landscape and Ecology – no objection, subject to conditions to secure the recommendations in the submitted reports in relation to trees and hedges and the provision of bat boxes.

Coal Authority – response awaited.

POLICY CONTEXT

The site is within the settlement boundary and is unallocated.

Rhondda Cynon Taf Local Development Plan

Policy CS2 - emphasises the need for sustainable growth that benefits the whole of Rhondda Cynon Taf.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 –2021.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

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

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

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

Policy AW10 – requires development proposals to have an acceptable impact on health and safety and local amenity in respect of issues such as pollution control and flooding

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

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

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

Planning Policy Wales Technical Advice Note 12 - Design

Planning Policy Wales Technical Advice Note 15 – Development and Flood Risk

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The application site is unallocated and situated within the defined settlement boundary as prescribed within the Local Development Plan.

The principle of the development is therefore considered to accord with the provisions of the Local Development Plan, nevertheless, the proposal must also be assessed in line with the other key requirements of planning policy as discussed below.

Impact on amenities of neighbouring properties

The site is an infill plot located off the existing highway and several other houses to the side and rear.

The indicative siting for the dwelling illustrates that the proposal would be located centrally within the limited width of the plot and set back from the existing front building line of the closest neighbouring property (No. 16 Willow Close). It is considered that there is sufficient distance between the proposal and existing neighbouring properties that the new dwelling would not have an overbearing impact or a detrimental effect on their privacy.

Additionally, while the development would intensify the use of the private access fronting the site, in terms of amenity it is not considered likely to be so significant to warrant an objection in this regard. Overall, and subject to careful consideration of the siting of windows within the proposal there is no objection raised against the scheme in amenity terms.

It is acknowledged that there have been objections to the application from neighbouring properties and these will be addressed later within the report.

Character and appearance of the area

The site is an existing extended side garden of 16 Willow Close and is located at the end of a private driveway.

It was considered that the previous scheme would appear cramped and constitute insensitive and inappropriate infilling. The current scheme reduces the width of the proposed dwelling, allowing separation and access to the west of the plot, and improving this arrangement.

It is considered that the proposed, reduced scale would successfully address the previous concern in this regard. It is also acknowledged that as an outline application the Council would deal with the issue of siting, scale and detailed design at the reserved matters stage of the development.

It is recognised that the proposal would remove trees on the western boundary which is of concern to several local residents. However, the applicant has submitted a tree survey which details the loss of only two existing trees at the application site due to the housing development and the extended access, parking and turning area. While it would be desirable to retain all of the trees in this well-established boundary the report identifies the trees as being in "fair" condition with a life span of 10-20 years and it is considered that their loss, while regrettable, could be mitigated by the retention of the remaining trees and the re-planting of appropriate replacement trees and hedgerows on the boundary.

In terms of the proposed access arrangements there were previously concerns regarding the extent of the engineering operations required and the potential impact that this could have on the existing trees and hedge line. It is considered that these concerns have been addressed through the initial tree survey and subsequent additional survey details in relation to bats.

Consequently, it is considered that the reduce in scale of the proposed dwelling would address the previous concerns with regard to the scale and appearance of the dwelling and the tree survey details demonstrate that the loss of trees would be minimal and could be mitigated through appropriate conditions.

Highway safety

The Transportation Section has raised no objection to the application on highway safety grounds subject to the imposition of conditions.

This view acknowledges the submitted access arrangements and highway works within the development site. While it is acknowledged that part of the access is across a shared private access drive, the improvement works would be wholly within the applicant's property. In terms of increased construction traffic conditions are suggested with regard to wheel washing facilities and restricted delivery times for HGV's to mitigate potential negative impacts within the surrounding highway network.

Consequently on the basis of the submitted highway layout and subject to the suggested conditions, the proposal is considered to be acceptable in this regard.

Other Issues

The site is partially within a high risk area for former coal mining activity. The applicant has submitted a coal mining risk assessment and the Coal Authority's response on this document is awaited and will be reported orally to Members at the meeting.

The comments of the Council's Public Health and Protection Division are acknowledged including their suggested condition to restrict the hours of operation during the construction phase of the development. However, due to the limited nature of the proposal and the other stronger legislative controls at the Council's disposal, it is considered that a condition of this nature would be unnecessary.

Response to residents' concerns

The application has been the subject of six objections from neighbouring properties during the consultation process. Having regard to the comments made the following observations are offered in response.

- The application has been subject to consultation with the Council's Drainage Section which has raised no objection to the application, subject to conditions. While this concern is acknowledged, it is considered that adequate provision can be provided through the use of appropriate planning conditions in this regard.
- It is considered that the reduction in scale of the dwelling and its layout and relationship with existing properties would not lead to a loss of privacy to neighbouring properties and would be appropriate to the character and appearance of the area.
- The trees, while an attractive feature, do not benefit from or warrant any protected status. That some of the boundary trees and hedges have been

removed is acknowledged however it is a feature of the current scheme that they will remain as a boundary feature and would also be strengthened through a re-planting scheme.

- It is the function of the market to determine whether there are sufficient houses within the area and this is not relevant to the determination of the application.
- It is considered that the proposal would respect the character and appearance of the area as well as the restricted nature of the site by proposing a modest infill dwelling that follows the existing building line at the development site.
- The proposal would provide an improved turning area for existing residents of the area as well as the limited additional vehicular movements of a single additional dwelling.
- The loss of trees is acknowledged and is dealt with in detail in the two separate tree reports. It is considered that the loss of two trees can be mitigated by the retention and strengthening through re-planting of trees and hedges at the site.
- It is considered that acceptable access can be achieved at the site through the imposition of appropriate conditions and that the increase of one additional dwelling will not intensify the use of the existing access to warrant an objection in this regard.
- Any damage caused to the existing carriageway would be the responsibility of the developer to repair.
- It is acknowledged that the site is accessed off an existing shared driveway however the highway works for access and turning would be carried out within the applicant's property.
- Whether the owners live at the site is not a material planning consideration and neither is the tenure of the resultant dwelling.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

Conclusion

The proposed dwelling is considered to be of an acceptable scale and design that would not have a harmful impact on neighbouring properties, the visual amenity of the area, drainage consideration, protected species or highway safety considerations. Consequently, the proposal is considered to be acceptable.

RECOMMENDATION: Grant

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

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

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 25.2.2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

Site Location Plan, Drwg: 08/L(00)205.
Proposed Site Plan, Drwg: 08/L(00)220 Revision B.

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

3. Before the submission of the application for the approval of reserved matters, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be

adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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

4. 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.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

Reason: To protect the existing trees on the site during the course of

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

7. Prior to the commencement of development, details for the provision of bat and barn owl boxes (incorporated within the conversion scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. Notwithstanding the submitted details the development hereby approved shall be carried out in accordance with the precautionary and enhancement recommendations of Section 5 of the submitted Tree Survey for Roosting Bats by Acer Ecology – dated May 2016.

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

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

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

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

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

11. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

12. Development shall not commence until details of the means of private shared access, parking and turning for the use of all three existing houses and 1 proposed development and delivery vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the proposed dwelling.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to the commencement of development, facilities for wheel washing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel washing shall be in operation during the duration of the development period.

Reason: To ensure that the highway is kept free of mud and debris in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

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

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

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

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APPLICATION NO: 16/0319/13 (BJW)
APPLICANT: Mr & Mrs D Millichap
DEVELOPMENT: Outline application for rural enterprise dwelling with all matters reserved. (Amended site boundary received 12/09/16).
LOCATION: LAND AT RHIWGARN FACH FARM, TONYREFAIL, CF39 8AX
DATE REGISTERED: 12/09/2016
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: Approve.

REASONS: The principle of the proposed dwelling has been established and supported by the submitted rural enterprise dwelling appraisal which meets the requirements of Welsh Government guidance in relation to such proposals in functional and financial terms.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Wasley for the matter to come to Committee in order to determine the real need of such a development, and evaluate necessity.

APPLICATION DETAILS

Outline planning permission is sought for a rural enterprise dwelling on land at Rhiwgarn Fach Farm, Tonyrefail. The application is submitted in outline form with all matters of detail reserved for future consideration. However, the applicant has submitted indicative details of the siting, scale and means of access to the proposed dwelling.

The indicative details propose a dwelling with the following minimum and maximum dimensions:

	Minimum	Maximum
Width	7m	7.5m
Depth	10m	10m
Height	8.5m	9m

An amended site location was submitted on 12 September 2016 detailing the highway access from the adjacent Rhiwgarn housing estate, to the north-west and including 5 no. vehicle passing bays along its approximate 460m length and a parking and turning area at its eastern boundary.

The application is accompanied by a comprehensive Rural Enterprise Dwelling Appraisal in support of the application. The report details the total farm holdings of approximately 1,298 acres of pasture land over 11 different sites, including Rhiwgarn Fach Farm; Pentre Farm (Llantrisant); Cebanol (Llantrisant); Glyn Farm (Tonyrefail); Degar Farm (Llanharry); land at Ystradowen; Tydu Farm; land at Mynydd Glyn Fach and Mynydd Cae Gwerlais and land at Hensol. The farm business includes a herd of 145 suckler cows with followers and 1,420 commercial breeding ewes with lambs and an additional flock of 50 pedigree Texel ewes and 20 pedigree Suffolk ewes.

An application was approved between 2010 and 2015 at Pentre Farm (Llantrisant) to allow the applicant's son to construct an agricultural workers dwelling on the holding of the larger farm business (applications nos. 10/1092/13 (outline) and 13/1234/16 (reserved matters)).

The supporting statement states that due to the increase in land holdings associated with the business and the increase in the size of the operation that there is now an essential requirement for a further rural enterprise dwelling at the main holding at Rhiwgarn Fach Farm.

SITE APPRAISAL

The application site comprises of an irregularly shaped piece of land located off an existing access on the Rhiwgarn housing estate to the north-west, along an existing farm access road of approximately 460m on a gently sloping area of land 55m metres from the main collection of existing farm buildings.

The land slopes from north-east to south-west and is currently enclosed by an existing feature stone wall. The site is set above the level of the existing highway access and is gently sloping with an established layer of ground flora.

PLANNING HISTORY

None.

RELATED PLANNING HISTORY

13/1234	Land at Pentre Farm, Llantrisant, Pontyclun	Application for Approval of Reserved Matters for layout, scale and appearance, means of access, landscaping and drainage for planning approval 10/1092/13 (agricultural workers dwelling	Granted 13/01/15
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and agricultural building).

10/1092	As above	Outline application for agricultural workers dwelling with all matters reserved and agricultural building.	Granted 18/01/12
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PUBLICITY

This has included site notices within the immediate vicinity of the site. Six responses have been received in support of the application from the following respondents:

- Andrew R. T. Davies - Assembly Member
- The owner of Gelli Farm, Cymmer
- Herbert R. Thomas Chartered Surveyors and Livestock Auctioneers
- NFU Cymru
- Farmers' Union of Wales
- Maes Glas Vets

The main points of the responses are as follows:

1. The family are a well-known and respected farming family specialising in commercial and pedigree cattle and sheep having been successful at many livestock shows both locally and nationally.
2. The daughter, Cerys, for whom the dwelling would be built, is also extremely well-known in local farming circles and is an active and committed young farmer. She is particularly keen on the sheep enterprise and has a keen interest in working sheep dogs which she successfully trains to assist in daily farming tasks, a craft which is not commonplace.
3. The farm has been in this family for generations with each generation taking over the running of the family farm successfully.
4. As a genuine farming family with young blood keen to take over the running of the family farming business I believe it is imperative that this is encouraged especially with the lack of young blood wanting to enter the farming industry.
5. The Farmers' Union of Wales are fully supportive of this application for it guarantees the future efficiency of the farming operation which is currently undertaken at Rhiwgarn Fach Farm.
6. The application is a prime example of what the Farmers' Union of Wales is fighting to maintain, "a traditional family farm," The provision of an additional dwelling house will assist in the survival of their farming business and allow their daughter to become a partner in the business.

CONSULTATION

Transportation Section – no objection, subject to conditions in relation to the means of access, including passing bays, and a restriction on the times for Heavy Goods Vehicle deliveries.

Land Reclamation and Engineering (Drainage) – no objection subject to a condition in respect of the proposed drainage arrangements.

Public Health and Protection – no objection, subject to conditions in relation to a restriction on hours during the construction period of the development and standard informative notes.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no objection. The proposal intends utilising an alternative to mains drainage and we would advise that the applicant seeks advice from Natural Resources Wales and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

Wales and West Utilities – no objection. According to their records Wales and West Utilities have no apparatus in the area of enquiry. However, gas pipes owned by others may be present in the area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working on or near gas apparatus.

Western Power Distribution - no adverse response received within the consultation period.

Countryside, landscape and ecology – no objection.

POLICY CONTEXT

The site is within the settlement boundary and unallocated. Part of the site, the proposed improved access would be outside the settlement boundary.

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving sustainable growth.

Policy AW1 – sets out the strategy for the supply of new housing over the plan period.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations and proposals affecting SLAs will be considered under Policy SSA 23.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility and requires existing features of natural environment value to be retained.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making including, the protection and enhancement of the landscape and biodiversity.

Policy AW8 - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation, including ecological networks, the quality of natural resources and the natural drainage of surface water.

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

Policy AW14 2. - requires the resources of Sandstone to be safeguarded from development.

Policy SSA23.6 - identifies the site as the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area. These areas are noted for their landscape quality and development will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

SPG – Nature Conservation

SPG – Design and Placemaking

SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements

National Guidance

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

Planning Policy Wales Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport), Chapter 9 (Housing), and Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;

Practice Guidance – Rural Enterprise Dwellings – Technical Advice Note 6 Planning for Sustainable Rural Communities;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The development site is outside the defined settlement boundary where development is controlled and has to be subject to strict criteria to be considered acceptable.

One of the categories of development that is considered to be acceptable, is for rural enterprise dwellings to allow workers engaged in agriculture to live close to their place of work for operational requirements.

The submitted Rural Enterprise Dwelling Appraisal provides the information in respect of the three tests as required by Technical Advice Note 6: Planning for Sustainable Rural Communities, these being the functional test, time test and financial test.

Functional Test

Due to the stock levels of the farm, which have become increased due to the acquisition of additional farming land, and the nature of the activities needed to sustain the welfare of the stock a farm worker is required to be available within sight and sound of Rhiwgarn Fach Farm at all times to assist with lambing and calving and to deal with any emergencies that could arise.

In addition to lambing and calving, cattle are overwintered in sheds at Rhiwgarn Fach Farm and a farm worker also needs to be within sight and sound of these buildings to maintain the welfare of the animals and deal with any health emergencies which may arise.

As the property is in a secluded location there is an associated risk of arson and theft and it is therefore necessary for a farm worker to be available at the holding at all times to ensure the security and welfare of livestock and machinery.

There have been recent changes in circumstance, the acquiring of additional land through purchase and rental, which has led to a greater area of contiguous land holdings and an increase in the levels of stock at the farm.

Consequently, it is proposed that Cerys Millichap would become an equal partner in the farm business along with her brother Rhys Millichap. This would allow the management control of the business to be passed from the applicant, Mr. David Millichap to his son and daughter in equal share.

The Time Test

The current workforce consists of David Millichap and Rhys Millichap who work full time on the holding. Planning permission was granted between 2010 and 2015 for a rural enterprise dwelling at Pentre Farm which, by virtue of a section 106 agreement, combines the holdings at Cae Banol and Pentre Farm. Catherine and Cerys Millichap also assist with working at the holding.

Based on the total labour of 2200 standard man hours per agricultural worker there is a proven functional requirement for 6.7 farmworkers at the holding.

The previous planning permission demonstrates that the functional requirement for Pentre Farm and Cae Banol are fully sustained. Therefore, the requirement is clearly demonstrated for an additional farmworker and an associated dwelling at Rhiwgarn Fach Farm.

The Financial Test

Accounts have been submitted for the last 10 years from 2006 to 2015 which indicate that the holding is profitable and has become significantly more so in the last 5 years. This has been as the result of the acquisition of Glyn Farm in 2011 and the renting of an additional 350 acres of land in 2012. The business was also subject to significant changes during this time, particularly 2012 and 2013, due to the necessity to purchase additional stock and retain additional replacements to stock the additional land areas.

In accordance with the Government guidance the minimum agricultural wage for a Grade 6 agricultural worker is £19,063.30 per annum with the average adjusted net profits for the business in the last 3-5 years exceeding the minimum for three farmworkers on the holding.

Additionally, the accounts demonstrate that the business has been profitable for the last 10 years with an improvement in profits over that period. The increase in profits over the last 3-5 years has been due to the increase in landholdings and based on the accounts it is considered that the accounts demonstrate that the business is financially viable with a clear and proven prospect of remaining so and is additionally sufficiently profitable to support three farmworkers.

Existing Accommodation Test

It is also a requirement, when assessing applications of this nature, to utilise existing, appropriate alternative buildings already at the property as well as those in the surrounding area.

There are several farm utility buildings within the holding as a whole but all of them are utilised in the operation of the farm business itself. Additionally, the buildings are of an unsuitable form of construction to serve as a rural building conversion as a dwelling.

Evidence has also been submitted of a search for properties within the local area (within one mile of Rhiwgarn Fach Farm). Within the budget of the proposed dwelling (estimated at between £80,000-£100,000) the property search was exclusively terraced properties within residential locations.

It was considered that these properties would be unsuitable for a farmworker due to the regular requirements for space to park agricultural vehicles and keep farm animals at the property. Such vehicles are large and can be dirty and are unsuitable to be parked in residential streets. It is also often necessary for workers to take home sick lambs in order to provide 24 hour care which would also be unsuitable off the farm itself.

Consequently, it is considered that there is no reasonable alternative accommodation either within existing structures on site or within the immediate locality off-site.

Siting

The proposed dwelling would be located within 60 metres of the main collection of farm buildings as required by the farm enterprise. However, the building is sufficiently detached that its location would not prejudice its potential as a unit of affordable housing should the enterprise fail in the future.

Design

The current application is for the principle of the development with all matters of detail reserved for future consideration. This means that the Council will retain control over these matters as part of a subsequent planning application.

As the area is within a Special Landscape Area (SLA 23.6) the Council will expect the highest standards of design and materials appropriate to the visual character of the area.

Scale

The application proposes a dwelling of 140 - 150 square metres, which is considered to be appropriate to the proposed needs of the farm enterprise and in accordance

with TAN 6. The scale is also considered to be appropriate for the potential use as an affordable dwelling.

Conclusion on the principle of the development

It is considered that the submitted Rural Enterprise Dwelling Appraisal has demonstrated the functional need, the financial case and that there is sufficient capacity for an additional farmworker at the property. Additionally, the applicant has explored alternatives to creating a dwelling at the holding and has demonstrated that the alternatives do not exist at the holding itself or would be unsuitable within the immediate area.

It is considered that the applicant has demonstrated sufficient rigour in their submitted supporting statement and that the application successfully meets the requirements of the Technical Advice Note 6 in this regard.

Consequently subject to appropriately worded conditions, including those required to restrict the tenure of the dwelling to the agricultural enterprise or to someone who is eligible for consideration for affordable housing under the local authority's housing policies, it is considered that the principle of the development is acceptable.

Character and appearance of the area

The surrounding area is open countryside including a farmhouse and several farm utility buildings. Buildings within the area are of a rural character and appearance and are surrounded by attractive open countryside.

It is considered that the site would be within a reasonable distance of the main complex of farm buildings while having enough separation from them to be a stand-alone property.

As the application is for the principle of the development the design of the property, its siting and scale would be open to further consideration at reserved matters stage. As previously stated the Council would therefore retain control over these considerations and would require a high standard of design as appropriate in a Special Landscape Area.

Consequently, it is considered that it is possible that the proposal could integrate successfully within the rural aesthetic and not be detrimental to the visual amenity of the area.

Therefore, subject to appropriate design at the reserved matters stage, it is considered that the proposal would be acceptable in this regard.

Impact on amenities of neighbouring properties

The site is within the approach to the current complex of farm buildings directly off the existing access track. The proposal would be located within sight and sound of the Rhiwgarn Fach Farm (approximately 65m) and a considerable distance from the closest other neighbouring property, Rhiwgarn Fawr Farm (approximately 135m).

It is considered that the proposed location of the dwelling, its relative distance from and relationship to existing neighbouring properties would be such that it would not have a detrimental impact on their amenities. Additionally, the final siting and design would be subject to further control at the reserved matters stage.

Highway safety

The Transportation Section has raised no objection to the application. These observations are made subject to conditions relating to the means of access, including passing bays, and the restriction on the times for Heavy Goods Vehicle deliveries.

It is considered that the conditions would improve highway safety while maintain the character and appearance of the area as a rural setting for the proposal. The suggested conditions would be reasonable, necessary and achievable at the site and would ensure highway safety conditions are not worsened as a result of the development.

Therefore, there is no objection to this aspect of the proposal.

Other issues

The comments of the Council's Public Health and Protection Division are acknowledged including their suggested condition to restrict the hours of operation during the construction phase of the development. However, due to the limited nature of the proposal and the other stronger legislative controls at the Council's disposal, it is considered that a condition of this nature would be unnecessary.

Community Infrastructure Levy (CIL)

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

Conclusion

It is considered that the application demonstrates that the principle of a rural enterprise dwelling would be acceptable and in accordance with development plan policy and national guidance.

The application is therefore recommended for approval.

RECOMMENDATION: Grant

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

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

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved location plan received by the Local Planning Authority on 16/09/2016, 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 any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with Policies AW5, AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

7. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

9. Prior to the commencement of development, details for the provision of bat and barn owl boxes (incorporated within development proposal) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan

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

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

11. The occupancy of the dwelling shall be restricted to:
 - a) a person solely or mainly, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants;
 - or, if it can be demonstrated that there are no such eligible occupiers,
 - b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or

widow, widower or surviving civil partner of such a person, and to any resident dependents.

Reason: The site is not in an area intended for general development. Permission is granted solely because the dwelling is required to house a person or persons employed or last employed in a rural enterprise. A dwelling in this location would normally be contrary to Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

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

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

13. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

14. Before the development is brought into use the means of access, together with the passing bays and turning facilities, shall be laid out in accordance with the submitted layout plan dated 16/09/2016 and constructed in accordance with design and detail to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the dwelling.

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

15. HGV's used as part of the development shall be restricted to 09:30am to 16:30pm weekdays, with no deliveries on weekends 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.

16. The gross internal floor area of the dwelling hereby permitted shall not exceed 140m².

Reason: To ensure the size of the dwelling is commensurate to the functional requirement of the operation and to ensure the viability of maintaining the property for its intended use. In addition, the condition

seeks to control the impact of the dwelling on the character and appearance of the area in accordance with Policies AW2, AW5, AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 16/0496/10 (MF)
APPLICANT: Mr & Mrs Williamson
DEVELOPMENT: Demolition of existing double garage and construction of new double garage in its place (Amended plans received 25/08/16).

LOCATION: 2 WOODSIDE BUNGALOWS, JOHN STREET, MOUNTAIN ASH, CF45 4HN
DATE REGISTERED: 06/06/2016
ELECTORAL DIVISION: Mountain Ash East

RECOMMENDATION: Approve

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

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as two letters of objection and a petition signed by the occupiers of 7 surrounding properties were received following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the demolition of an existing detached garage to the rear of 2 Woodside Bungalows, Mountain Ash and for the construction of a new detached garage in its place.

The applicant originally proposed a two-storey double garage incorporating domestic storage at ground floor level with a commercial dance studio and gym at first floor level. A number of concerns were raised with the original scheme in respect of the impact upon the amenity of the surrounding properties and highway safety and therefore, following discussion with the applicant, the scheme was amended on 25 August 2016 and the application now proposes the replacement of the existing single storey double garage with a similar single storey double garage structure that would be used for domestic storage purposes in association with the dwelling only.

The new garage would be sited at the south-western corner of the plot in place of the existing double garage structure that is to be removed. It would measure 12.2 metres in width by 10.5 metres in depth and would incorporate a pitched roof design to 4.5 metres in height with a mono-pitched element at the front to 3.2 metres in height. The building would be finished in render and a clad roof with two roller shutter doors and a pedestrian access door sited within the front elevation and a further pedestrian access door in the rear elevation. The new structure would accommodate 2 vehicles to the front and a storage area to the rear. Access would be gained via the existing entrance off the adjacent lane (John Street).

SITE APPRAISAL

The application site comprises a semi-detached bungalow and its associated amenity space. The site is located within a residential area of Mountain Ash and is therefore surrounded by residential dwellings of various design and scale. The property is set off the main street along with the adjoining bungalow and fronts an unadopted lane (John Street) from which it is accessed. There are numerous examples of detached double garages within the locality of a comparable scale to that proposed at the application site.

PLANNING HISTORY

No previous planning applications have been submitted at the site.

PUBLICITY

The original scheme was advertised by means of direct neighbour notification and site notices. Two letters of objection and a petition signed by the occupiers of 7 surrounding properties were received, making the following comments (summarised):

- The two-storey garage structure would be out of character with the visual appearance of the surrounding locality.
- The proposed use of the building for commercial purposes would have a detrimental impact upon the amenity of the surrounding neighbours.
- The proposed use of the building for commercial purposes would have a detrimental impact upon highway safety in the vicinity of the site as the access is not suitable and there would be an increase in traffic in the locality.
- The existing drainage systems in the area are unable to cope with any increased demand that a commercial business would produce.

- There are numerous industrial sites in the area that would be better suited to house the proposed business.
- There may be an impact upon the various wildlife that live in the area.

Following submission of the amended plans on 25/08/16, the application was again advertised by means of direct neighbour notification and site notices. No further representations were received, however, none of the original objections were removed.

CONSULTATION

Transportation Section – no objection, subject to conditions.

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

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

Countryside, Landscape and Ecology – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

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 Requirements.

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) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

As detailed above, the application originally proposed a two-storey double garage incorporating domestic storage at ground floor level with a commercial dance studio and gym at first floor level. A number of concerns were raised with the original scheme in respect of the impact upon the amenity of the surrounding properties and highway safety in the locality and therefore, following discussion with the applicant, the scheme was amended on 25 August 2016. The amended application now proposes the replacement of the existing single storey double garage with a similar single storey double garage structure that would be used solely for domestic storage in association with the main dwelling.

The application site lies within settlement limits and represents an established residential property that has historically had a double garage structure within the rear garden. As such, it is considered that the proposal to construct a replacement garage structure of a similar scale to that which currently exists at the site is acceptable, in principle, subject to an assessment of the criteria identified below.

Visual Impact

In terms of visual impact, the proposed garage would be sited off the street to the rear of a number of residential dwellings. Therefore it will not be visible from the highway and will not form a prominent feature within the street scene. It is however acknowledged that it will form a visible feature from the rear of the adjacent properties which will be exaggerated at 2 Newton Villas whose rear garden is located in close proximity to the application site. However, the proposed garage is considered to be of a domestic design, scale and height and will be finished in appropriate materials to reduce its potential impact. Further, replacing an existing structure of similar scale and height, it is not considered the resulting structure would significantly alter the current visual appearance of the application site.

It is noted that a number of concerns were raised by objectors in respect of visual amenity, however, the concerns expressed specifically related to the construction of the original two-storey garage and following consultation in respect of the amended plans for a single storey structure, no further concerns were raised.

Consequently, whilst it is acknowledged that the proposed garage will inevitably form a visible feature from the rear of the immediately adjacent properties, it is not considered the impact would be significantly different to that which currently occurs and therefore, the application is considered acceptable in this regard.

Residential Amenity

In terms of residential amenity, the garage would be sited approximately 7 metres from the rear elevation of the nearest neighbouring property, 2 Newton Villas and offset and separated from the curtilage of that property by the width of the lane. Therefore, given its siting in place of the existing structure, its minor scale and domestic use, it is not considered the proposed garage would have any further impact on the existing levels of amenity and privacy currently enjoyed by the surrounding neighbours than that which currently occurs. It is however considered that a condition should be added to any consent to ensure that the proposed garage is used for only domestic purposes in association with the main dwelling in future to ensure any potential impact in this respect is minimal.

It is noted that a number of concerns were raised by objectors in respect of the potential impact the development would have upon their amenity and privacy, however, the concerns expressed specifically related to the commercial use originally proposed and following consultation in respect of the amended plans, no further concerns were raised.

Therefore, whilst it is acknowledged that there will inevitably be some impact upon the amenity and privacy of the surrounding neighbours, it is not considered that the impact would be so significant that it would warrant refusal of the application. As such, the proposal is considered acceptable in this regard, subject to the condition detailed below.

Highway Safety

It is noted that a number of concerns were raised by objectors in respect of highway safety in the locality, however, the concerns expressed related to the original proposal of a commercial use within the building and the comings and goings associated with the proposed business. Following consultation in respect of the amended plans whereby the business use was removed from the scheme, no further concerns were raised by surrounding neighbours.

Following consultation the Transportation Section has raised no objection to the application subject to a number of conditions being added to any consent. It was commented that the application site is served off a network of sub-standard streets which lack in continuous pedestrian links, sub-standard visibility at the junctions, sub-standard junction radii, lack of positive surface water drainage, un-metalled and lacking street lighting. Further, there is a lack of carriageway width and segregated footway fronting the site which gives cause for concern. It was also commented however that the site boundary could be set back to provide a 5.5 metre wide carriageway and a 1.8 metre wide footway which would significantly improve the situation. Consequently no highway objections are raised subject to conditions being added to any consent stating that the above works are implemented prior to construction of the garage and to ensure the garage is not used for commercial purposes.

Consequently, in light of the highways assessment above, subject to the conditions detailed below, the scheme is acceptable in this regard.

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

Community Infrastructure Levy Liability

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

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

Conclusion

It is not considered the development would have a significant impact upon the character and appearance of the locality or upon the amenity or privacy of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval, subject to the conditions detailed below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. PL-00, PL-01, PL-02, PL-03, PL-04, PL-05 and PL-06 and documents received by the Local Planning Authority on 25/08/16, 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. No unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

Development Plan.

5. Development shall not begin until details providing for the site boundary setback to provide a lane widened to 5.5m with a 1.8m metres wide footway and vehicular crossover along the site frontage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use of the garage and storage facility.

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

6. The use of the garage and storage facility hereby approved, shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. HGV deliveries during construction shall take place between 9:00am and 15:00pm unless otherwise agreed in writing by 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:	16/0775/08	(DJB)
APPLICANT:	Rhondda Cynon Taff CBC	
DEVELOPMENT:	New 3G Pitch plus additional car parking to the rear of the leisure centre	
LOCATION:	WAUNRHYDD ROAD, TONYREFAIL, PORTH, CF39 8EW	
DATE REGISTERED:	15/07/2016	
ELECTORAL DIVISION:	Tonyrefail West	

RECOMMENDATION: Approve

REASONS: The proposed development will provide an enhanced leisure/sports facility within the community on an area that has long been long established as being used for leisure/ sports purposes. External elevational changes to the leisure centre building are minimal and have no adverse impacts.

The proposals involve highway visibility improvements as part of the scheme which are of benefit to all users of the egress point onto Penrhiwfer/Gilfach Road.

It is considered that the proposal is compliant with the policies of the Council's Local Development Plan and is supported by national policy and guidance.

REASON APPLICATION REPORTED TO COMMITTEE

The application is submitted on behalf of the Council and involves land owned by the Council, where the nature of the Council's interest is more than a minor nature

APPLICATION DETAILS

This full application seeks planning permission for the provision of a new 3G MUGA pitch facility and the provision of increased parking facilities to the rear (south west) of Tonyrefail Leisure Centre on Tynybryn Fields/Recreation Ground.

In addition, the scheme also includes for some very minor elevational changes to the northern side elevation of the leisure centre building itself. These elevational changes are being proposed as a result of some internal changes/re-modelling that is being undertaken within the building (these internal works do not require planning permission) in order to provide accommodation for Tonyrefail School in conjunction with the works planned at the Tonyrefail Comprehensive school site.

In conjunction with these works the application also incorporates some highway works to improve the vehicular site egress onto Penrhiwfer/Gilfach Road at the junction between nos. 12 and 14 Penrhiwfer/Gilfach Road.

The application is accompanied by:

- Arboricultural Survey Report (Barton Hyett, 3 May 2016)
- Ecological Impact Assessment Report (Opus International, July 2016)

SITE APPRAISAL

Tonyrefail Leisure Centre and the adjoining Tynybryn Fields/Recreation Ground lie in the heart of Tonyrefail. The whole site covers approximately 5.5ha in area. The site is generally flat but does fall gradually from the north towards the south.

Currently the site provides opportunity to provide a football pitch, rugby pitch and cricket pitch. Albeit this depends on the sporting season, as these areas do overlap in part.

Vehicular access to the leisure centre site is via Waunrhydd Road, with an egress out onto Gilfach Road, at a point between nos. 12 and 14 Penrhiwfer/Gilfach Road.

The western boundary of Tynybryn Fields/Recreation Ground is defined in the most part by a hedge lined boundary running along Tynybryn Road. The northern length of the boundary to Tynybryn Road and that to Penrhiwfer/Gilfach Road to the north is defined by a concrete post and metal railing/pole fence. Within the site to the western and northern boundaries runs an internal access track/road used by maintenance vehicles etc.

To the eastern side of the site runs the straight (south west – north east) tarmac footpath/cyclepath that runs from between the leisure centre and Rhondda Bowl to Tynybryn Road.

There are currently a number of metal storage containers within the site, some of these being on the area which will be utilised for the increased parking area.

PLANNING HISTORY

Previous planning applications (including advert applications and consultations) submitted at the site:

04/1987	Tonyrefail Leisure Centre Tonyrefail, Porth	Proposed use of mobile unit on a temporary basis to house library including ramp.	Grant 07/02/05
05/1342	Rhondda Bowl Car Park Waunrhydd Road, Tonyrefail, Porth.	Application for certificate of lawfulness for existing use for outdoor market on a Tuesday.	Refuse 09/09/05
05/1339	Rhondda Bowl, Waunrhydd Road, Tonyrefail, Porth	Tonyrefail, Porth Proposed outdoor market (Saturdays)	Withdrawn 29/11/2005
06/2058	Tonyrefail Leisure Centre, Tonyrefail, Porth	Demolition and reconstruction of existing front section (main entrance) and refurbishment of existing swimming pool area.	Grant 27/11/06
07/0380	Tonyrefail Leisure Centre, Tyn Y Bryn Park, Tonyrefail, Porth.	Library extension to Leisure Centre (Phase B works) to replace existing temporary facility.	Grant 17/04/07
07/0968	Tonyrefail Leisure Centre, Tyn Y Bryn Park,	Provision of changing room portacabin	Grant 19/07/07

Tonyrefail, Porth

05/2330	Tonyrefail Street Market, Tonyrefail, Porth.	Certificate of Lawfulness for market to be held weekly on each Tuesday.	Grant 03/12/07
08/1297	Tonyrefail Leisure Centre, Tonyrefail, Porth	Four external signs fixed to face of building and one free standing sign located at entrance to building and window graphics.	Grant 30/09/08
09/0140	Tonyrefail Leisure Centre Tonyrefail, Porth	Fascia Sign with RCTCBC Corporate logo (Dragon) with text under.	Grant 18/03/09
12/5259	Tyn Y Bryn Park, Waunrhydd Road, Tonyrefail	Licensing consultation enquiry	Raise no Objection 27/03/12
11/1262	Changing Rooms R/o 10 Gilfach Road, Tonyrefail., Porth	Change of use of changing rooms to carpentry workshop.	Grant 28/03/12

PUBLICITY

The application has been advertised by means of site notices around all sides/boundaries of the school site and by direct neighbour notification letter.

At the time of preparing this report no comments have been received.

CONSULTATION

Transportation Section – raise **no objections** subject to the imposition of conditions.

It is confirmed that in this particular case the submission of a Transport Statement (TS), as opposed is a Transport Assessment (TA) is acceptable.

Observations consider and comment upon issues of:

- access
- circulation
- visibility onto the B4278 (Penrhiwfer Road/Gilfach Road)
- parking

Public Health & Protection – raise **no objections** subject to the imposition of conditions.

Flood Risk Management – raise **no objections**, subject to a condition.

Countryside Section (Ecologist) – has confirmed that the submitted Ecology Report and associated bat survey/assessment work is acceptable and confirms that no bat roost has been found. The submitted Tree Report indicates recommends further arboricultural assessment and this should be conditioned. **No objections** are raised subject to the imposition of appropriate conditions.

Natural Resources Wales – note that historic landfill underlies the site and therefore would require conditions to be imposed. On the basis that the recommended conditions are imposed **no objections** are raised.

Fields in Trust/Sport Wales – raise **no objection** to the application.

Tonyrefail Community Council – although at the time of writing this report no written comments had been received the case officer did meet with representatives of the Community Council in respect of the application. The concern expressed by the Community Council representatives was that with the siting of the proposed 3G pitch it would no longer be possible to accommodate the cricket pitch at the site. Any response will however be reported orally at the meeting.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The LDP identifies Tonyrefail as a Key Settlement within the Southern Strategy Area.

The Leisure Centre site and the adjoining Tynybryn Fields/Recreation Ground lies entirely within defined settlement limits.

Policy CS2 – confirms that in respect of development in the Southern Strategy Area the emphasis will be on sustainable growth that benefits the County Borough as a whole. Key criteria that will be considered in seeking to achieve this aim are identified.

Policy AW5 - identifies design criteria (under the headings of Amenity and Accessibility) for new development.

Policy AW6 - supports development that promotes high quality design which makes a positive contribution to place making.

Policy AW7 - seeks to protect and enhance the built environment.

Policy AW8 - seeks to protect and enhance the natural environment.

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity (identified issues include air pollution, light pollution, noise pollution, water pollution,

contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety).

Policy SSA4 - identifies criteria for new development in the key settlement of Tonyrefail.

Supplementary Planning Guidance

Rhondda Cynon Taf LDP SPG – Design and Placemaking (March 2011)

Rhondda Cynon Taf LDP SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011)

National Guidance

Planning Policy Wales (8th Edition, January 2016)

Chapter 4 of PPW sets out Welsh Government policy in respect of Planning for Sustainability.

Section 4.11 sets out the policies relating to planning for sustainability through good design. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

Chapter 11 sets out Welsh Government policy in respect of tourism, sport and recreation.

Para. 11.1.3 confirms that sport and recreation contribute to our quality of life and that the Welsh Government supports the development of sport and recreation, and the wide range of leisure pursuits which encourage physical activity. These activities are important for the well-being of children and adults and for the social and economic life of Wales. 'Climbing Higher' sets out the Welsh Government's long term strategy for an active, healthy and inclusive Wales where sport and physical activity are used to enhance the quality of life nationally and in local communities.

Section 13.15 (Development Management and Noise and Lighting) confirms that noise can be a material consideration. Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems and prevent light pollution.

Planning Policy Wales Technical Advice Notes (TANs)

TAN 5: Nature Conservation and Planning (2009)

TAN 12: Design (2016)

TAN 15: Development & Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transportation (2007)

Government Circulars

Welsh Government Circular 016/2014: The use of Planning Conditions for Development Management

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.

PLANNING CONSIDERATIONS

It is considered that the main issues in the determination of this application are an assessment of the potential impact of the new 3G MUGA pitch facility on the area and nearest residential properties, together with related matters of highways/parking/access, previous land use and impacts on trees and interests of ecology/biodiversity.

The use of the site for sporting/leisure purposes is clearly established and acceptable. However, consideration needs to be given to the greater intensity of use and the form of the proposal.

3G MUGA Pitch

The proposed 3G MUGA pitch, which will require some minimal associated ground works to ensure a level pitch surface, will be positioned to the immediate rear of Tonyrefail Leisure Centre, with one end of the pitch facing the southern corner of the leisure centre building, with one side of the pitch running parallel with the footpath/cyclepath that defines the eastern boundary of the site. The pitch has dimensions of approximately 60m x 100m with security/catch-ball fencing around and 4 floodlighting columns equally spaced along each side, so 8 in total.

New drainage will be incorporated around the eastern side and north eastern end of the pitch, which will also link into drainage for the extended area of parking provision.

This will be taken via a new pipe under the land to the east to a new outfall to the existing watercourse to the east, which flows adjacent to the bypass. A flow control chamber will be incorporated and discharge rate agreed with the local authority.

Highways/Access/Parking

Vehicular access to the leisure centre is served via Waunrhydd Road, with a one-way system operating with the egress/exit point onto Penrhiwfer/Gilfach Road (B4278). Currently visibility onto Penrhiwfer/Gilfach Road is substandard to the right because of the boundary wall of 12 Penrhiwfer Road. To address highway visibility concerns regarding the greater use of this junction the application does propose improvements at this point. The proposal involves the realignment of the existing southeast kerbline of Penrhiwfer/Gilfach Road and the bringing forward of the give-way line of the exit road from the leisure centre by approximately 1m, thereby achieving in excess of the minimum visibility standard required.

The parking area to the rear of the leisure centre building currently provides 16no. parking spaces. By remodelling the existing bund that runs along the rear of the parking area an increased area can be achieved providing 33no. spaces, an increase of 17no. spaces. In addition a remodelling of this area allows for improved footpath connections between the new 3G MUGA pitch, the parking area and the leisure centre building. The Transportation Section have confirmed that in their opinion the level of parking provision for the new facility is considered acceptable. It is recognised that the leisure centre site lies in the heart of the village, in a sustainable location within easy access to public transport options.

The siting of the new 3G MUGA pitch is considered to be sufficiently set back from the highway as not to cause un-due driver distraction.

Previous Land Use

Both Council's Public Health & Protection (PH&P) Service and Natural Resources Wales (NRW) have identified the fact that the Tynybryn Fields/Recreation Ground is situated on the site of the former Tyn y Bryn landfill site. Accordingly, there is the potential for contamination to exist and suitable conditions should be imposed to ensure that there is no adverse impact on interests of human health and controlled waters.

PH&P have also commented on the potential impact of the use of the new 3G MUGA pitch and the floodlights on the wider area and the amenity of the nearest residents (approximately 150m to the south west in Tynybryn Road and Heol Ton). Subject to the pitch only being in use and floodlights only being illuminated at those times when the leisure centre is in use is not considered that there will be any significant impact.

Trees

As part of the application an Arboricultural Survey Report has been received. This report was prepared following a tree survey carried out in April 2016, with the purpose to assess the major trees in terms of their health, general condition and overall significance within the local environment. No trees on the site are protected by a Tree Preservation Order (TPO).

Two trees (both Sycamores) require removal in order to accommodate the new 3G MUGA pitch and a further four (two Sycamores, Pillar Apple and Norwegian Maple) are also recommended for removal as part of routine arboricultural management of the open space. The Council's Ecologist has not raised objection to the removal of these trees.

Ecology/Biodiversity

The submitted Ecological Impact Assessment Report has included an appropriate habitat survey which has identified the site as amenity grassland, which is intensively managed through regular mowing. It accordingly has little ecological value. The submitted report also included a bat assessment and survey of the site buildings and concludes that there are no existing bat roosts and that their potential use by bats is low.

The Council's Ecologist has raised no objection to the application, subject to the imposition of a condition.

The report does note the presence of Himalayan Balsam and Japanese Knotweed in proximity of the site. However, this grows on land to the east of the site and not within the application site itself. However, it is suggested that the applicant/developer is advised of the presence of these species in order that the proposed scheme does not result in their disturbance and spreading across the Tynybryn Fields/Recreation Ground site.

Other Issues

The proposed changes to the northern end elevation of the leisure centre building are very minor in nature. These are intended in order to provide a logical and accessible access point (a new glazed aluminium framed entrance door in an enlarged opening, opening into a new entrance lobby) for school children coming to/from the school to the leisure centre building to utilise the new classroom accommodation being provided in the building. The pathway outside this entrance will also be renewed with new block pavements, replacing the old concrete slab path.

Issues of noise, dust, hours of construction, use of artificial lighting etc can be covered under a Construction Management Plan (CMP) and the imposition of an appropriate condition is recommended.

In terms of drainage issues no adverse comments have been received from either the Council's Flood Risk Management Section or NRW.

Representatives of Tonyrefail Community Council had raised concerns that the provision of the new 3G MUGA pitch may result in the ability to retain enough space within Tynybryn Fields/Recreation Ground to provide a cricket pitch. However, it has been confirmed that sufficient space will be available for the continued presence of a cricket pitch in the summer (in the winter some of the cricket pitch would be overlapped by the rugby pitch).

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable

Conclusions

It is considered that the proposed development is compliant with the policies of the Council's LDP and national planning policy, providing a significant sporting leisure facility within the heart of the community of Tonyrefail.

RECOMMENDATION: Grant

Conditions

RECOMMENDATION: Grant

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

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

2. The extent of the works approved by reason of this permission are identified on the following plans/drawings, except where necessarily modified by the terms of other conditions attached to this permission:

- Proposed Part Elevations (Drawing no. 5513/020410 rev2)
- Proposed Ground Floor Plan (Drawing no. 5513/010410 rev2)
- Existing Site Plan (Survey) (Drawing no. 5513/900401 rev1)
- Leisure Centre External Works (Drawing no. V-C8371.01 SK100 R2)
- External Lighting (Drawing no. E6029-LC-EXT-01 revT1)

- Exit to Penrhiwfer Road Proposed Junction Visibility (Drawing no. V-C8371.01 SKL 104 R0)
- Exit to Penrhiwfer Road General Proposed Layout (Drawing no. V-C8371.01 SKL 103 R0)

Reason: In order to define the terms of the permission granted.

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

- the means of access into and egress from the site for all construction traffic;
- the parking of vehicles of site operatives and visitors;
- the management of vehicular and pedestrian traffic;
- loading and unloading of plant and materials;
- wheel washing facilities;
- the suppression of dust;
- the sheeting of lorries leaving the site;
- details of plant and equipment;
- methods and types of ground compaction;
- mitigation measures for the control of noise;
- location of site compounds
- hours of construction;
- use of artificial lighting.

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

Reason: In the interests of the safe and free flow of traffic and in order to ensure that the amenities of residents in proximity to the site are not unduly impacted upon in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No construction HGV movements associated with the development hereby approved shall take place to or from the site between the hours of 08:00-09:00 and 15:00 -16:00 on Monday to Friday (inclusive).

Reason: In the interests of pedestrian safety having regard to policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans, full engineering design and details of

the improvement works to the existing junction between the private exit road and the B4278 Penrhiwfer/ Gilfach Road together with sections and surface water drainage details must be submitted to and approved in writing by the Local Planning Authority. The junction improvements shall be carried out in accordance with the approved details prior to first beneficial use.

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

6. There shall be no beneficial use of the 3G MUGA pitch and associated parking and circulation areas until such time as the drainage details (including discharge rates and storage for attenuated flows and discharge outfall point) have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

7. No development shall take place until details of the recommendations 7.1 to 7.6 of the Ecological Impact Assessment Report (Opus International, July 2016) and tree mitigation measures identified in the Arboricultural Assessment Report (Barton Hyett Associates, 3 May 2016) have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriate scale plan showing 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 and species could be harmed
- d) Details of specific species and habitat mitigation and enhancement measures for key species (including bats, birds, reptiles and grassland management),
- e) invasive plant control (Japanese Knotweed and Himalayan Balsam)
- f) Details of tree protection and management measures.

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation and trees
- iii) Installation of physical protection measures and management during construction;

- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and tree measures
- vii) Provision of training and information about the importance of the '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 ensure that the development has regard to interests of ecology and biodiversity in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until such time as a scheme to deal with contamination has been submitted to, and approved by, the Local Planning Authority. The scheme should include all of the following measures

a) a desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a Conceptual site model. A copy of the desk-top study shall be submitted to the Local Planning Authority without delay upon completion.

b) a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

c) a written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

The development shall be completed in accordance with the approved details.

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.

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

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.

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

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

11. 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.

12. Prior to the first beneficial use of any part of the development hereby approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

* all previous uses

- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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. Prior to the first beneficial use of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site, having regard policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On

completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site having regard policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the unpredictable nature of historic landfilling it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated, having regard policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No development shall begin on the development hereby approved until such time as full details of the 3G MUGA pitch flood lighting (including the proposed hours of use/illumination) and surrounding catch-ball/security fencing has been submitted to, and approved in writing by, the Local Planning Authority. The fencing and lighting provided shall be in accordance with the approved scheme.

Reason: In compliance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0877/10 (KL)
APPLICANT:	Mr King Leung Chung
DEVELOPMENT:	Proposed change of use from A1 to A3 hot food take away and installation of an extract ventilation flue to rear.
LOCATION:	WILLIAMS, 57 TYLACELYN ROAD, PENYGRAIG, TONYPANDY, CF40 1JU
DATE REGISTERED:	25/08/2016
ELECTORAL DIVISION:	Penygraig

RECOMMENDATION: APPROVE

Reasons: Although a number of objections have been received in relation to the proposal, the application is considered to be acceptable in terms of its compatibility with other uses in the area and the impact it would have on the character and appearance of the surrounding area, the residential amenity and privacy of neighbouring properties and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of no. 57 Tylacelyn Road, Penygraig from a retail store (planning use A1) to a hot food takeaway (planning use A3). The change of use would be undertaken entirely within the building itself with no external alterations taking place (with the exception of an extraction and ventilation flue to the rear).

The applicant has confirmed that the proposed hours of opening would be 1700 to 2230 six days a week (closed on Tuesdays) and would employ up to 3 members of staff. The internal layout of the property would be altered to suit its intended use as a chip shop with the existing first floor flat (currently empty) being used as residential accommodation for the owners of the premises.

The proposed extraction and ventilation flue would be located to the rear elevation, extending 1.9 metres from the mono-pitch roof of the existing single storey projection (0.5 metres above the eaves line of the main roof). It would have a galvanized zinc finish.

It is noted that the existing shop front would be retained and any new signage would be subject to a separate application for advertisement consent.

SITE APPRAISAL

The application site relates to a two-storey, mid-terrace property which is located on the main high street through Penygraig town centre. The property already benefits from an existing shop front to the front elevation with access provided directly off the adopted highway at Tylacelyn Road. An existing part-width, two-storey extension is located to the rear along with a small enclosed garden and detached garage (all to be retained). The property is currently occupied by the village greengrocers, however, the owner is due to retire and the establishment will close.

The surrounding area is characterised predominantly by commercial properties, however, it is noted that there are a number of residential properties nearby.

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 notices. A total of 5 letters of objection have been received from surrounding residents and businesses and are summarised as follows:

- There is a parking and traffic control problem in the area already;
- The site sits on a bus stop with another directly opposite;
- The road is constantly congested there especially at peak times;
- Another takeaway would be a disaster to the existing problem;
- There is already a cafe, Chinese takeaway, Indian takeaway, Turkish kebab/pizza takeaway, delicatessen and a traditional fish and chip takeaway already on the high street and that is quite enough for a small street;
- We need some traditional shops i.e. butchers, bakers, fruit and veg shops to keep the street thriving and generate the area;
- There is no parking on the main street;
- The development will only cause more traffic jams during peak business hours due to illegal parking and would add noise pollution and potential smell to nearby residents;
- Penygraig was once a thriving village and now has a very limited retail area which has more fast food outlets and cafes than is necessary for its size;
- Any vacant retail building should be kept available to encourage an alternative business to relocate in to the village.

CONSULTATION

Transportation – no objection is raised or condition suggested.

Public Health and Protection – no objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary in Penygraig and is within a Local and Neighbourhood Centre.

Policy CS1 – promotes commercial development in locations which support and reinforce the roles of retail centres.

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 neighbourhood 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

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 8 (Transport), Chapter 10 (Planning for Retail and Town Centres) 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 4: Retailing and Town Centres;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application site is situated within the settlement boundary for an area of Penygraig which is designated as a local and neighbourhood centre under Policy NSA18 of the Local Development Plan. This policy recognises that Class A uses add to the vitality of a town centre by attracting customers and increasing footfall, however, it also aims to avoid over-concentration of A3 uses as there is potential for them to have a detrimental impact on the retail character of the area. As Penygraig currently has a 13% vacancy rate (6/46 units), it is considered that the change of use from A1 to A3 would ensure continued occupation of the unit and potentially halt further decline within the centre. It is acknowledged that the proposed hot food takeaway would be open between the hours of 17:00 – 22:30 (six days a week) and would therefore make a limited contribution to the day time economy of Penygraig. However, a new frontage that is active during the evening, will add vitality to the evening economy of the centre.

It is noted that a number of objections have been received in relation to the application which raise concern that the proposal would unacceptably increase the number of A3 uses in the town. However, the total number of A3 establishments would be increased to 15% (7/46 units) which would not raise any issues in terms of proliferation of this use. It is also noted that only 4 of the 6 existing A3 uses operate as takeaways; the remaining 2 are noted as a pub and a cafe. Whilst the comments received from the objectors are appreciated, it is not considered that the proposed change of use would lead to an overconcentration of A3 uses in the town and it would therefore make a valuable contribution to the local area and would ensure the continued use of the property. It is accepted that there are other takeaways within the surrounding area that operate a similar facility with comparable opening hours, however, it is considered that properties occupied by this use are best located within such centres.

It is also noted that the property is located within a sustainable location, being served by public transport and within walking distance of the surrounding residential area. Bus services frequently run through the area which is also served by a nearby railway station. Accordingly, the proposal is considered to comply with Policy AW2.

Whilst it is regrettable that an A1 shop use would be lost from the town, the proposal is in accordance with Policy NSA18 and AW2 and is therefore considered to be acceptable in principle, subject to an assessment of further policies within the Local Development Plan.

Impact on the character and appearance of the area

The proposed development would not result in any physical changes to the external appearance of the existing property. However, a single extraction & ventilation flue of galvanised zinc would be sited to the rear elevation which would be incorporated into the mono-pitch roof of an existing rear extension. The flue would project a maximum of 1.9 metres from the roof slope, just 0.6 metres above the eaves height of the existing two-storey roof and it is therefore not considered that it would have an unacceptable visual impact on the character and appearance of the surrounding area.

Impact on residential amenity and privacy

It is acknowledged that the property is located in close proximity to a number of residential properties (no's 1-4 Ffrwd Amos Cottages and Field Street) and there is potential for the intended use to have some impact on their residential amenity in terms of potential cooking odours and noise associated with members of the public using the establishment during the hours of operation (17:00-22:30).

However, following consultation with the Council's Public Health and Protection Section, no objection has been raised to the proposed use subject to conditions to ensure that appropriate equipment is installed to suppress and disperse fumes and smells produced by the preparation and cooking of food and to prevent waste cooking oil, fat, grease and food debris from entering the foul drainage system. It is therefore considered that odour control can be adequately addressed through the imposition of planning conditions.

In terms of the potential noise associated with the use of the premises, the property is located within a retail centre where uses of this type would usually be expected. In addition to this, the property would have reasonable opening hours of 17:00 to 22:30 and would not result in any additional noise to that created by the existing public house ('The Turberville') directly opposite the site. Notwithstanding this, a condition restricting the hours of opening to those specified within the application is considered necessary to protect the residential amenity of surrounding residential properties.

Access and highway safety

Local residents have raised concerns with regard to the proposal contributing to an existing traffic problem in the area, particularly during business hours, and, whilst there is some concern that the proposal would result in indiscriminate on-street parking, the Council's Highway's Department have raised no objection to the proposal. Taking into account the existing traffic regulations in place preventing on-street car parking between the hours of 08:00 - 18:00 Monday to Saturday, the proposed opening hours of 17:00 - 22:30 and the carriageway width of 8.8 metres which can accommodate some short term on-street car parking after 18:00 without affecting free flow of traffic, the proposal is, on balance, considered to be acceptable in terms of highway safety.

It is acknowledged that there are bus stops in close proximity to the site, however, the Council's Highway's Section consider that this would promote sustainable transport and prevent on-street parking at this location.

Other Issues

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

Public Health

The Public Health and Protection Section have also suggested a number of standard conditions in addition to those discussed above. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation. However, an appropriate Informative can be added to any permission notifying the applicant/developer of the need to comply with legislation concerning these matters.

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 application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the change of use, the impact on the character and appearance of the surrounding area, the impact on the residential amenity and privacy of neighbouring residential properties and the impact on highway safety.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning

Authority on 5th August 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

Drawing No. 16 - 086/P/06

Drawing No. 16 - 086/P/05

Drawing No. 16 - 086/P/07

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

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

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

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

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

5. The use hereby approved shall not operate other than between the hours of:

- 17:00 – 22.30 (Monday-Sunday and Bank Holidays)

Reason: In the interests of the residential amenity of those living closest to the site in accordance with Policies AW5 and 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

3 NOVEMBER 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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