

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
1 DECEMBER 2016**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 16/0736 - Outline application (with all matters reserved) for 15 houses including access (Amended details and indicative plans received), land adj Pantygraigwen Road, Pontypridd.

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0736/13 (GW)
APPLICANT: Taff Homes Ltd
DEVELOPMENT: Outline application (with all matters reserved) for 15 houses including access (Amended details and indicative plans received).
LOCATION: LAND ADJ PANTYGRAIGWEN ROAD, PONTYPRIDD
DATE REGISTERED: 18/10/2016
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: Grant subject to Section 106 Agreement.

REASONS: The proposal is for new housing within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan. The development would provide 15 dwellings including three affordable housing units.

The scheme, in its outline form, is considered to be acceptable in principle and broadly in compliance with Policies in the LDP. Consideration of the detail will be given at the "reserved matters" stage.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission is sought for the erection of 15 houses with all matters reserved for future consideration. The application details that three of the houses would be affordable housing and are shown on the indicative plans as three linked houses. The others would be detached dwellings.

To make way for the development trees would be removed from the site that are part of a larger wooded area, that has been protected for its amenity value by a Tree Preservation Order.

Indicative plans detail the dwellings would be constructed in a continuous line adjacent to Pantygraigwen Road and that there would be off-street parking. A Design Code and indicative plans submitted detail the dwellings would be single storey (with accommodation in the roof) fronting on to Pantygraigwen Road and two storey at the rear. Due to the steep topography of the site the dwellings would be built up at the rear with gabion baskets below the ground floor. It is indicated these

would be planted with suitable vegetation to help blend the base of the dwellings into the surroundings. The Design Code also provides parameters for the size, scale and design of the dwellings. It indicates a range so that, whilst retaining a uniform feel, there would allow some flexibility for minor differences to the dwellings.

The code also indicates that the dwellings (apart from the affordable housing) could be self-build and the development would be in phases, with the site preparation and affordable housing built first with the rest of the dwellings progressing after, in groups starting from the Pantygraigwen side of the site. Members should note that a formal request for the application to be phased has however not been received.

Each detached dwelling indicated would have 3no. off-street parking spaces with the linked dwellings having 2no. spaces each.

The application is accompanied by the following:

- Design and Access Statement;
- Design Code;
- Ecological Mitigation Plan;
- Extended Phase 1 Habitat survey; and a
- Preliminary Arboricultural Assessment

SITE APPRAISAL

The site is located on the hillside between Pantygraigwen and Pontypridd and is a linear strip of sloping land adjacent to and below Pantygraigwen Road. It is currently covered in a relatively dense cover of trees and vegetation. To the west, is Pantygraigwen Community Centre and to the east is a row of traditional terraced dwellings on Heath Crescent. Above and to the northeast of the site are dwellings that front on to Graigwen Road. It is detailed the applicant owns a further strip of land below the site and towards the nearby railway line. This contains more mature trees than the upper part.

PLANNING HISTORY

None.

PUBLICITY

The application was originally advertised via the erection of a site notice and by direct neighbour notification. Three letters of objection were received from local residents and their objections are summarised below:

- People currently use Pantygraigwen Road to park. Where will residents and people using the Community Centre park?
- It will impact on access and egress to lane (adjacent Heath Crescent).
- Sewage removal and strain on pipeworks is insufficient.
- The strain on water supply is already struggling.

- The land has a restraining order due to bats.
- It will have a negative impact on living conditions of the area.
- I had an allotment on the land. When the allotment committee dispersed I continued to work the land and was never asked to leave or told that the land had been sold on.

CONSULTATION

Countryside, Landscape and Ecology – no objection.

The components of the Ecological Mitigation Plan are acceptable. A condition protecting wildlife and habitats during construction will be required.

The area of TPO to be removed is of lower quality compared to the area to be retained.

As the applicant's Ecologist states that the works will be at least 50 metres from anywhere that might have a badger sett; no further survey work is required with the badger issue.

A bat informative note would be required.

No comments with regard open space/recreation play facility requirements received at time of writing the report.

Dwr Cymru/Welsh Water – no objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Advisory notes are provided on sewers and water supply.

Education Directorate – there are no Section 106 requirements.

Flood Risk Management – no objection subject to full drainage conditions.

Housing Strategy – policy SSA 12 of the adopted LDP requires 20% affordable housing provision on sites of 5 units or more in the Southern Strategy Area. As the proposal concerned is for 14 residential units, 3 units of affordable housing should be secured to satisfy these requirements.

Natural Resources Wales – no objection with regard the assessment of the impact on badgers.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, noise from construction works, dust, waste and a scheme to deal with mud, dirt and debris being carried on to the adjoining highway as a result of site construction works.

Transportation Section – no objection subject to conditions on the setting back the site boundary to provide a 2m wide footway, details and design calculations of any retaining structures, off street parking to be in accordance with the Council's

Supplementary Planning Guidance Access, Circulation and Parking Requirements (March 2011), surface water run-off not to discharge on to the public highway, all HGV deliveries to only take place between the hours of 09:00 and 15:00 weekdays and a Construction Method Statement.

There are concerns with regard to existing on-street parking along Pantygraigwen Road which has an adverse affect on the free flow of traffic and highway safety and also the vision splays at its junction with Graigwen Road. However, the proposal would mitigate the parking concerns and considering the level of development, along with the lack of accident data at the junction, therefore this is not significant enough to warrant objection on vision splays alone.

Wales & West Utilities – pipes are located within the locality of the site. Should the application be approved the developer must contact them to discuss their requirements. Advisory notes for the protection of their apparatus are also provided. No construction works would be allowed over or enclosing their apparatus.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

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

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

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

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

Policy AW7 – requires existing areas of open space to be retained.

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

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

Policy SSA11 – requires a density of 35 dwellings per hectare unless it can be justified as an exception.

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

Policy SSA13 – provides criteria for housing development within settlement boundaries.

Supplementary Planning Guidance:

- Access Circulation and Parking
- Affordable Housing
- Design and Placemaking
- Nature Conservation
- Planning Obligations

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) Chapter 12 (Infrastructure and Services) 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 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 9: Enforcement of Planning Controls
- PPW Technical Advice Note 10: Tree Preservation Orders;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development;
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan (LDP) and is unallocated. The development would provide 15 dwellings, three of which would be affordable houses.

It is understood the site was formerly used as allotments however these were not statutory allotments and this use has ceased some time ago and the site is overgrown.

Fifteen dwellings on a site this size (approximately 22 dwellings per hectare) falls below the required minimum density identified in the LDP of 35 dwellings per hectare. However, the site has significant topographical constraints and this low density would not warrant a reason for refusal.

Therefore, the principle of residential development is acceptable subject to other material planning considerations, which are assessed below:

Impact on the character and appearance of the area

The development would result in the loss of trees on the site that is part of a wider wooded area identified for its amenity value (Tree Preservation Order). It would also result in the proposed dwellings forming a connection across between the built area of Pantygraigwen and Graigwen in Pontypridd.

Whilst the loss of an area protected by Tree Preservation Orders (TPO) would be regrettable, the Council's Countryside Section considers the trees to be of lower value as compared to the wider protected area and do not object. Members should also note, as detailed above, the site is located within the settlement boundary in the Local Development Plan.

The houses on the indicative plans would themselves be relatively prominent on the valley side and would be raised up at the rear. Members should note that this is a similar situation for other dwellings that have been constructed in the area, particularly on Graigwen Road, where the dwellings have retaining structures visible at the rear and in relative close proximity to the site. It is also proposed the dwellings are relatively low (single storey with accommodation in the roof space) from Pantygraigwen Road to reduce their overall impact. The Design Code submitted would also ensure the proposed dwellings would have a consistent visual look but would allow for some minor differences. The trees below the site would provide some screening of the lower part of the dwellings and garden areas from longer views.

In summing up, the development would result in the loss of some of the wooded visual character of the area. However, taking into account that the site is within the settlement boundary, there is no objection to the loss of part of the TPO area in terms of the quality of trees and that dwellings could be constructed that would have a similar visual impact to other dwellings in close proximity to the site, it is considered that on balance the visual impact would therefore be acceptable.

Ecology and trees

As detailed above, the site contains a significant amount of trees and shrubs. The applicant has submitted a Preliminary Arboricultural Assessment. It details the majority of trees are of poor quality including Goat Willow that should be removed. Once this is removed it concludes this may result in a detriment to other trees in

site. It therefore recommends removing the existing trees from the site and re-planting.

An extended Phase I Habitat survey has also been submitted. It details the site in conjunction with surrounding woodland would have local ecology value with evidence of bird, bat and badger activity using the land. It details it is important that the retained area is kept as a 'dark' corridor and that light spill is limited. The likelihood of dormice is also considered low and it details some checks for reptiles and avoiding the nesting bird season during site clearance should be carried out.

An Ecological Mitigation Plan submitted provides details for protection of habitat and ecology during construction and for the long term management of the lower wooded area to the south of the site.

The Council's Countryside Section do not raise an objection to the application on these grounds and the Ecologist considers a Section 106 agreement to ensure the long term management of the lower wooded area of trees and a condition requiring site clearance is carried outside nesting bird season would be required. A bat informative note would also be required.

Access and highway safety

The development would provide suitable off-street car parking levels for the proposed dwellings: Three spaces for the detached dwellings and two spaces for the linked dwellings are indicated.

Currently Pantygraigwen Road is unrestricted for on-street parking and the development would result in the loss of some of the available parking space. Objections have been submitted by some nearby residents, as a result of the public consultation exercise, detailing that this is where they park as there is no parking available next to their houses and that also it is where people attending events at the nearby Community Centre park. Members will also note that it is also relatively close to the town centre and some overspill parking may also occur on the road particularly during the day time.

Members are advised whilst it is regretted some on-street parking would be lost, taking into account the comments from the Transportation Section and that there would still be on-street parking available in the area, that this issue is considered acceptable.

Impact on residential amenity and privacy

The main impact of the development, detailed on the indicative drawings, would be the impact on number 27 Heath Crescent. The proposal however details the most easterly dwelling would be sited in line with the side elevation of number 27 and stepped down in ridge height from the other proposed dwellings in a similar manner to other dwellings on this terrace. As such, it is considered the impact on amenity would be acceptable.

There are no existing dwellings nearby, to the front or rear of those being proposed, and as such there would be little impact on amenity from the development of the site.

Therefore taking into account of the above the proposal would have an acceptable impact on the amenity of nearby residents.

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

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered hours of construction works, dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues if permission were to be granted. The issue with regard to mud on highway is covered by Highways legislation and details required in their recommended condition for a Construction Method Statement.

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.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

1 An Ecological Mitigation Plan to cover protection during construction and the long term management (25 years) of the wooded area to the south of the site and detailed on plan number P519 L_002 Site Plan as Proposed.

2 Three affordable 3no. bedroom housing units.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, the impact on trees and ecology, the impact on highway safety and the impact on residential amenity (Policies AW1, AW2, AW5, AW6, AW7, AW8, AW10, SSA11, SSA12 and SSA13).

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 plan(s) no(s) Site Plan P519 L_002 Rev A Site Plan as Proposed received on 18th October 2016 and documents received by the Local Planning Authority on 9th December 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents

and to clearly define the scope of the permission.

3. The details of the dwellings to be submitted as part of the reserved matters shall conform to the design details set out on in the submitted Design Code received on the 18th October 2016.

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

4. The 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.

5. No development shall take place until a Species, Habitat and Tree Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing 'Species, Habitat and Tree 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 measures for key species (including bats, birds, badgers and reptiles),
- e) Details of tree and hedgerow protection measures
- f) Invasive plant control

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation;
- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

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

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

7. 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 prior to the occupation of the dwellings hereby permitted. 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.

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
 - a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

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

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

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

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

- 10. The site boundary fronting Pantygraigwen Road shall be set back from the edge of the existing carriageway to provide for a 2.0 metres wide footway, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to development being brought into beneficial use.

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

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

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

- 12. 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.

- 13. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 15:00 pm on weekdays to and from the site in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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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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

1 DECEMBER 2016

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
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See Relevant Application File

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