

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2016-2017:**

**DEVELOPMENT CONTROL
COMMITTEE
5 JANUARY 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

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| | 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. 16/0743 - Three detached houses with garages and access, land between 25 - 36 Jestyn Street, Porth.
2. Application No. 16/0793 - Demolition of the existing buildings, and the construction of 10 no. affordable units and ancillary work, former St Luke's Church, St Luke's Road, Porth.
3. 16/0795 - Construction of affordable residential development for Newydd Housing Association, comprising 28 x 1-bedroom apartments, 2 x 2-bedroom mobility bungalows, 12 x 2-bedroom terraced houses and 2 x 4-bedroom semi-detached houses, with associated amenity areas and car parking, served by a new adopted access road. (Revised plans and additional reports received 17/11/16), Gene Metals, Kingsland Terrace, Treforest, Pontypridd.
4. Application No. 16/0819 - Proposed residential development of 26 flats, car parking, landscaping and access. (Amended plans received 12/10/16), Southgate Garage, Cross Inn Road, Llantrisant, Pontyclun.
5. Application No. 16/0844 - New B1, B2 and B8 Industrial Unit, Llantrisant Business Park, Llantrisant, Pontyclun.
6. Application No. 16/1036 The erection of 6 dwellings, parking and access road, land adjacent to Cartref Bungalow, Hirwaun Road, Hirwaun, Aberdare.

- 7.** Application No. 16/1212 - Renovation works to beer garden. Works to include new bay windows, bi-fold doors and entrance pergola, The Old Mill Harvester Public House, Felindre Road, Llanharan, Bridgend.
- 8.** Application No. 16/1231 - Construction of loft conversion including dormer window to rear roof slope and two "Velux" roof lights to the front elevation, 36 Gospel Hall Terrace, Gadlys, Aberdare.

APPLICATIONS RECOMMENDED FOR APPROVAL
Committee Report produced for Planning Committee
on 05 January 2017

APPLICATION NO: 16/0743/10 (GW)
APPLICANT: Mr D James
DEVELOPMENT: Three detached houses with garages and access.
LOCATION: LAND BETWEEN 25 - 36 JESTYN STREET, PORTH,
CF39 0DN
DATE REGISTERED: 26/08/2016
ELECTORAL DIVISION: Porth

RECOMMENDATION: GRANT

REASONS: The proposal would provide 3 detached dwellings within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan.

Previously planning permission for four dwellings on the site (09/0510) was refused due to the loss of trees and open space for their amenity value. An appeal for this decision did not consider these as justified refusal reasons. The appeal was however refused, because the Inspector considered the houses would be tightly developed and over intensive to the detriment of the character of the area. In addition it was considered the dwelling adjacent to number 36 would have a detrimental impact on residential amenity.

The reduction in the number of dwellings from that previously refused reduces the intensity of development, provides more open space and visually takes the development away from the adjoining terrace. It is considered this would overcome the refusal reason with regard the impact on the character of the area.

The adverse impact on the amenity of occupiers of number 36 would be significantly reduced as the nearest proposed dwelling would now be some distance from number 36.

The development would remove some on street parking, which has been raised as an objection by local residents. No objection has however been raised by the Transportation Section and no objection was raised on this issue by the Inspector of the previous appeal for four dwellings.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning; because more than 3 objections have been received.

APPLICATION DETAILS

Full planning permission is sought for the development of three detached dwellings with garages on land between 25 and 36 Jestyn Street, Porth. Previously planning permission for 4 similar houses and garages (09/0510) was refused for the following reasons:

1 The proposed development would result in the loss of three existing trees of significant amenity value. As such the proposal is contrary to policy ENV6 of the Rhondda Local Plan.

2 The proposed development would result in the loss of an open space that is considered to have special amenity value, for reasons that include:

The site provides a visual break from the surrounding built up area; There are three sycamore trees on the site that are protected by a Tree Preservation Order. The proposal is therefore contrary to Policy ENV14 of the Rhondda Local Plan.

The refusal was appealed and this was dismissed for the following reasons:

1 It would fundamentally alter the existing visual amenities that nearby residents enjoy and cause material harm to the character and appearance of the street scene.

2 Because of the already confined conditions, the proposal would reduce the amount of light reaching No:36 to an unacceptable degree, with consequent adverse effects on the living conditions of the occupants.

The proposed dwellings would be similar to those proposed in the refused application (09/0510) minus plot 4. They would be set back in line with the adjacent dwellings at nos. 25 and 36 Jestyn Street, with their ridge heights stepping down in line with the slope of the highway (that is, plot one would be lower than the ridge height of no. 25 Jestyn Street and plot 3 would be higher than the ridge of no. 36 Jestyn Street). Due to the topography of the site the dwellings would be raised above the highway and would have natural stone front boundary walls, with facing brick pillars. The front garden areas would be planted with shrubs and trees.

Each dwelling would have two parking spaces, that is, the garage and a space on the drive to the front of the garage.

The proposal includes the provision of a landscaped areas at the rear of the site and in the side garden area of plot 3 adjacent to number 36. The proposed landscaping would comprise a mixture of shrubs and trees.

The application is accompanied by the following:

- Design and Access Statement.
- Planning Statement
- Arboricultural Report, Tree Constraints Plan and Implications Assessment
- Bats, Reptile & Amphibian Clearance Method statement
- Method Statement for the excavation works
- Copy of appeal decision for application 09/0510/10

SITE APPRAISAL

The application site comprises an open grassed area of land that has a number of cherry trees and 3 sycamore trees. A Tree Preservation Order protects the sycamore trees. The site forms a gap between the existing dwellings on the north side of Jestyn Street, which comprise two detached and a pair of semi-detached dwellings. On its southern side Jestyn Street contains traditional terraced dwellings with their front elevations abutting the footway. Beyond the lane that adjoins the rear of the site (to the north) there are further dwellings.

Since the previous application, a large new dwelling has been erected at the end of the street (11/0512) and planning permission has been granted for another at the end of the terrace on the southern side and adjacent number 15 (13/0912). Another dwelling has been approved on the opposite side to this next to number 22 (15/1007).

PLANNING HISTORY (Relevant to application)

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|---------|--|---|--|
| 15/1007 | Land adjacent Jestyn Street, Porth | Erection of a detached dwelling with off street parking | Granted 16/08/16 |
| 13/0912 | Land adjacent 15 Jestyn Street, Porth | Detached dwelling with rear parking | Granted 12/03/14 |
| 11/0512 | Ty Ni, Land at the top of Jestyn Street, Porth | Construction of 1 no. 5 bed detached dwelling | Granted 30/06/11 |
| 09/0510 | Land between 25 to 36 Jestyn Street, Mount Pleasant, Porth | Construction of four detached dwellings with garages. (Revised plans received on 10/08/09 and method statement for excavation works received on 28/09/09). (Amended plan received 26/10/09) | Refused 25/11/09 Appeal Dismissed 11/05/10 |

| | | | |
|---------|---|-----------------------------------|---|
| 97/6492 | Land between 26 + 36 Jestyn Street, Porth | Proposed erection of link houses | Refused 22/06/98 Appeal: Dismissed 10/02/99 |
| 89/0903 | Land at Jestyn Street, Porth | Residential Development (outline) | Refused 10/04/90 |
| 78/0696 | Land between 25 +36 Jestyn Street, Porth | 1 pair of semis | Granted 05/0/78 |

PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. Seven letters of objection have been received including two petitions of objection signed by 30 people and 81 people. Members should note some of the same residents have signed both petitions. Their comments are summarised below:

- The Sycamore trees have Tree Preservation Orders and contribute to the amenity of the area. An Planning inspector agreed in report relating to the 2010 proposal
- The land has been used for the amenity of residents and as a play area from surrounding streets. The loss would have a detrimental visual impact on the character and appearance of the street.
- Highway safety is a concern
- Parking is a problem on the street and has been worsened since the previous application by the loss of our 'turning circle' by the new dwelling at the end of the street.
- The access for the new houses would result in the loss of on-street parking.
- The previous houses were demolished because of problems with an underground spring. Disturbing this natural water course will cause flooding to our side of the street.
- Before previous houses were demolished we had raw sewage flooding our houses across the street and this could happen again.
- Development of the site will affect foundations of houses next to it.

- There are slow worms, newts, frogs, countless breeds of birds and a resident owl on the site.
- It would be a major disruption to the street during construction with large lorries and it would be a fire hazard.
- The three storey height of the dwellings would cause privacy issue and overshadowing.
- It may affect the sale of my house

CONSULTATION

Countryside Section – The Inspector’s decision for the previous appeal did not consider the loss of Tree Preservation Order (TPO) trees and the replacement planting scheme as a refusal reason. We would therefore require (as per the Inspectors decision) some replanting of trees (appropriate for the locality). If the tree mitigation being offered was similar to the planning appeal application then it is considered the resulting impact would be in line with the Planning Inspectors decision.

Dwr Cymru/Welsh Water – no objection subject to condition requiring 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.

Flood Risk Management – no objection subject to drainage details.

Natural Resources Wales – no objection subject to the Council’s Ecologist assessing the impact of the development on protected species.

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

Structural Engineer – no objection subject to retaining wall design calculations and details as per method statement. A site investigation condition would be required as the previous dwellings on the site were demolished.

Transportation Section – no objection. There is concern with regards the sub-standard nature of Jestyn Street with a lack of turning area and sub-standard geometry. However, no objection is raised taking into account the previous application for four dwellings where-by the Inspector did not raise concerns. Conditions requiring access and parking are laid out in accordance with submitted plan, details of vehicular footway crossings, surface water run-off not to drain to public highway, traffic management and wheel washing facilities and HGVs to be

restricted to 9:30 am to 16:30pm weekdays with no deliveries on weekends and bank holidays.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy AW1 - residential development proposals will be expected to contribute to meeting local housing needs

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

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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

Policy NSA10 – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

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

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Nature Conservation

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application, Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

Other relevant policy guidance consulted:

PPW Technical Advice Note 1: Joint Housing Land Availability Studies
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development; and
Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and it is not allocated for any specific planning use. The development would provide 3 detached dwellings.

A previous application (09/0510) and subsequent appeal for residential development of the site was refused on the impact of the development on the character and appearance of the site and the impact on residential amenity. This development is similar with one less dwelling being proposed.

Therefore it is considered the principle of residential development would be acceptable subject to the following material planning considerations, which are discussed below.

Impact on the character and appearance of the area

Previously planning permission for four dwellings on the site (09/0510) was refused on this issue, as detailed above. An appeal for this decision, highlighted that the removal of the trees protected by Tree Preservation Orders (TPO) would be mitigated in time by the proposed planting scheme and that the site did not have significant enough amenity value in terms of the wider landscape value and townscape significance and the application should not be refused on this issue. The appeal was however refused because the Inspector considered the development would be tightly developed and over intensive to the detriment of the character of the area.

This scheme reduces the number of dwellings, including removing the dwelling adjacent number 36 and provides more space for planting. The reduction in numbers reduces the intensity of development, provides more open space and also visually takes the development away from the adjacent terrace. The applicant has also submitted indicative plans detailing that whilst the open land would be within the ownership of the residential plots that the openness can be maintained by reducing the residential curtilages of the plots, restricting permitted development rights and controlling the landscaping and boundary treatment in those areas. These details can be controlled and managed with suitably worded conditions.

On balance, it is considered these changes overcome the refusal reason, with regard the dwellings being tightly developed and over intensive. As such, it is considered the development would have an acceptable impact on the character of the area.

Impact on residential amenity

The previous application was also refused due to plot 4 having a detrimental impact on light reaching number 36 Jestyn Street. This plot has been removed from the current scheme. The nearest dwelling to number 36 would now be some distances from this dwelling and as such there would be little significant impact in the amenity of the occupiers of the dwelling. Therefore it is considered this amendment to the previous scheme would overcome the refusal reason.

Other issues

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

Access and highway safety

The accesses are similar to that detailed in the previous application with drives and garages for off road parking. And it is noted that objections have been received from local residents detailing that the development would result in the loss of on street

parking and that there would be disruption from construction vehicles. However as detailed by the Inspector for the previous appeal, these issues can be controlled via conditions and other statutory controls. No objection has been raised by the Transportation Section subject to conditions as detailed above. In relation to the condition with regard surface water it is considered these details would be more appropriately obtained via a general drainage condition.

Therefore taking into account the above, in these terms, the application would be acceptable.

Impact on trees and ecology

The loss of the trees on the site, in terms of visual aspect, has been discussed above. In terms of their habitat and the ecology of the site a report has been submitted with regards, bats, reptiles and amphibians. This details whilst the site maybe used by bats it is not used for roosting as the trees are unsuitable. Reptiles and amphibians maybe present in small numbers and the report advises protective measures should be undertaken before and during site clearance. The Inspector for the previous appeal concluded these matters could be adequately controlled via conditions.

Drainage

Objectors have raised issues with regard drainage and that the site may contain watercourses that would be disturbed during construction. In the previous application and appeal the same issues were raised and the Inspector for that appeal detailed these issues could be managed by planning conditions and other statutory controls. No objections have been raised by the Council's Flood Risk Management Section and Dwr Cymru/Welsh Water. It is considered the drainage details can be established by a suitably worded condition.

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.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area and the impact on residential amenity (Policies AW1, AW2, AW5, AW6, NSA10 and NSA12).

RECOMMENDATION: Grant

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

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

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

- Location Plan received 5th July 2016
- HDW/PH/DJ.001 Proposed Site Plan and Proposed Levels received 26th August 2016
- HDW/PH/DJ.002 Proposed Floor Plans, Elevations and Sectional Elevation received 5th July 2016
- HDW/PH/DJ.002 Existing and Proposed Sections received 26th August 2016
- Planting Plan received 22nd August 2016

and documents received by the Local Planning Authority on 5th July 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. Notwithstanding the submitted plans and prior to any works commencing, a plan defining the residential curtilages of plots 1-3, the open area of land to the rear and side of the site (including any boundary treatment in the open area) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter this land shall be kept open and free of any development including boundary treatment (other than hereby approved) and any structures without the prior express permission of the Local Planning Authority.

Reason: To preserve the open character of the land in the interest of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

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

6. No development shall take place until drainage arrangements (including

drives) 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. Notwithstanding the submitted plans 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.

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

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.

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

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

10. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan HDW/PH/DJ.001.

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

11. Prior to the development being brought into use, 3no. vehicular footway crossings shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority.

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

12. 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.

13. HGV's used as part of the construction phase 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.

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| APPLICATION NO: | 16/0793/10 (GW) |
| APPLICANT: | Newydd Housing Association |
| DEVELOPMENT: | Demolition of the existing buildings, and the construction of 10 no. affordable units and ancillary work. |
| LOCATION: | FORMER ST LUKE'S CHURCH, ST LUKE'S ROAD, PORTH, CF39 9TR |
| DATE REGISTERED: | 26/09/2016 |
| ELECTORAL DIVISION: | Porth |

RECOMMENDATION: Grant, subject to Section 106 agreement

REASONS: The development site is within the settlement boundary identified in the Rhondda Local Development Plan and would beneficially provide 10 no. affordable housing units within the Porth area.

Whilst the demolition of the church would be regrettable, on balance, it would be acceptable considering that the building is not listed or located within a conservation area.

A bat survey has been submitted that details the church building is used as a roost. The survey details the usage is however limited and confined to mainly the crevices in the roof. Natural Resources Wales do not object and comment the retention of the trees adjacent the site is important for acceptable mitigation and that a European Protected Species License from Natural Resources Wales would be required.

In relation to the trees the Arboricultural report submitted by the applicant, details the trees on the site could be retained successfully subject to suitable future management.

The impact of the proposed residential development on the character of the area and on residential amenity would be acceptable.

An acceptable access and level of parking would be provided. No objection has been raised by the Transportation Section.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning, because it is a full application for over 5 dwellings.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing church and hall building on the site and its re-development with two residential blocks.

'Block 1' would be built approximately on the position of the church and would provide 4 no. one bedroom flats. This would require the building up of the land to the south part of the site. 'Block 2' would be on a similar position to the former hall building. This would provide 6 no. one bedroom flats.

A parking area for 7 no. cars would be provided at the rear with direct access to and from a new access from St Luke's Road. A bin store, cycle stands and amenity

space area are identified adjacent the parking area. Two trees to the south of the site are identified as being retained.

The application is accompanied by the following:

- Design and Access Statement.
- Ecology Report
- Vehicle Speed Survey
- Parking justification

SITE APPRAISAL

The application site is the former St Luke's Church and hall on St Luke's Road in Llwynceilyn. The site is mostly on a level plateau; however the south part of the site slopes towards a lane (serving a domestic garage). There are two large mature trees in the southern part of the site.

Residential dwellings surround the site; some of which are in close proximity. Those to the north are at a higher level and those to the south are at a lower level. To the west are further dwellings at approximately the same level and to the east, on the opposite side of the road, is a detached dwelling in a large curtilage.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters have been received at the time of writing this report. Their comments are summarised below:

1. A drain on the site is blocked and the drains are inadequate.
2. What will happen with bats?
3. Double yellow lines should be provided either side of the access to prevent parking that affects the flow of traffic on the bends of the road.

CONSULTATION

Countryside Section – the ecology surveys have found that bats (soprano pipistrelle, common pipistrelle and brown long-eared bats) are using the buildings. Foraging use of the trees by six species was also found. A European Protected Species License would be required and Natural Resources Wales should be consulted.

The report identifies a potential for nesting birds in the church. If permission is granted a Wildlife Protection Plan condition would be required.

The tree report identifies three mature trees as a Sycamore (B Category), Sycamore (C Category) and an Oak (A Category). The oak is located outside but overhanging the site. It details development can be accommodated whilst retaining the trees. The trees are considered important for the foraging activities of bats in the area and their retention is important as part of mitigation measures.

Conditions requiring tree protection measures are put in place and retained during construction. A long term management plan of the trees would be required. Measures such as new roost provision, working procedures and lighting would be part of an NRW European Protected Species License.

No comments have been received, at the time of writing this report, with regard any section 106 requirements for open space/recreation facilities.

Dwr Cymru/Welsh Water – no objection subject to no surface water and/or land drainage with the public sewerage system.

Education – no section 106 requirements.

Flood Risk Management – no objection subject to drainage conditions.

Glamorgan Gwent Archaeological Trust – no objection.

Housing Strategy - this social rented scheme has been designed by Newydd Housing Association in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Porth. The unit mix and tenure proposed are in accord with the Local Housing Market Assessment 2014/15, and, as such, this proposal satisfies Policy NSA 11 of the adopted Local Development Plan. No objection is raised to this proposal being granted planning permission.

Natural Resources Wales – note the site is used by bats and a European Protected Species License would be required. The retention of the trees on site with additional trees would help facilitate the success of the bat mitigation in the long-run and retain connectivity for foraging bats through the urban landscape. Issues with regard the impact on the root zone of the tree and their potential long term management would be a matter for the Council's Ecologist.

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

South Wales Police - no objection and provided guidance on security. For further information on Secured by Design standards please visit the website www.securedbydesign.com

Structural Engineer - condition a ground investigation report and request a method statement for the raising of the ground levels. Please condition retaining wall design and details as well.

Transportation Section – highway and pedestrian safety concerns have been overcome by increasing the off-street car parking provision from 6 - 7 spaces, providing 10no secure cycle stands to promote sustainable mode of travel, providing Traffic Regulation Order (Double Yellow Lines) along St Luke's Road to prevent overspill parking and maintain free flow of traffic and providing adoptable carriageway in accordance with the RCT design guide, and speed survey indicating 85th % tile speeds with acceptable visibility splays and therefore on-balance the proposal is acceptable.

No objection subject to conditions requiring access, visibility splays and cycle stands are laid out in accordance with the permitted plan, full engineering details of the road layout, a construction method statement and surface water run-off shall not discharge onto the public highway. In addition a financial contribution of £3,500 to the council would be required under section 106 of the Town and Country Planning Act for the implementation of a Traffic Regulation Order (double yellow lines) along St Luke's Road.

Wales & West Utilities – no objection. They detail they have pipes in the area and that the developer should contact them to discuss their requirements. The pipes should not be built over and any apparatus should not be enclosed.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

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

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

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 from pollution, land instability, contamination and/or flooding.

Policy NSA10 – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

Policy NSA11 – The provision of at least 10% affordable housing will be sought on sites of 10 units or more.

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

Supplementary Planning Guidance

Access, Circulation & Parking

Design and Placemaking

Development of Flats

Nature Conservation

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.

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and is unallocated. The development would provide 10 affordable housing units, which are stated as being needed in the area by the Council's Housing Strategy Section.

The church and hall are not listed or located within a conservation area. Whilst the buildings are of some local historic and architectural value, the demolition, due to the reason above is on balance considered regrettably acceptable.

Therefore, the principle of the redevelopment of the site for residential dwellings would be acceptable subject to other material planning considerations, which are assessed below:

Ecology and Trees

An ecology survey submitted with the application, details the church building contains roosts for three species of bats including: common and soprano pipistrelle and brown long-eared bats. The survey details only small numbers of bats are using the site, they are mainly using the crevices within the roof area of the building and it is unlikely that it is a maternity roost.

Natural Resources Wales detail a European Protected Species License (EPSL) would therefore be required for the demolition. Initially, they were concerned that suitable mitigation could not be achieved if the trees within the site were lost, as their retention is considered important for the mitigation to be acceptable. The developer has submitted an Arboricultural report that details the trees could be retained successfully subject to suitable future management. The plans detail that the trees would be retained as part of the scheme and that new trees could be planted within the site area.

The Council's Ecologist considers the trees could be retained as detailed and that a legal agreement requiring their future management would be needed to ensure their long term retention. A condition would also be required to protect them during

construction. Members are advised the EPSL would cover mitigation measures such as new bat roost provision, working procedures and lighting controls. It is further requested that a condition to protect nesting birds would also be required.

Taking into account the above, it is considered the demolition of the church would therefore not have a significant detrimental impact on bats and trees, as the impacts of development could be suitably mitigated.

Impact on the character and appearance of the area

The demolition of the church building would be a loss to the local character of the area. The church is however not listed or within a conservation area. As such its demolition in these terms would not warrant a refusal reason.

The proposed residential re-development of the site has to some extent tried to mimic the existing layout of the church and hall. However, the proposed buildings are somewhat larger in scale than the existing and part of the site would be raised to increase the level area that could be developed. The retention of the trees, to the south of the site, would however help screen the development from some surrounding vantage points. The rear elevation of block 2 would be blank, which is considered poor design. However, this elevation would be largely screened by the raised land to its rear. Notwithstanding the above, the design, size and scale would however be generally acceptable.

Therefore, it is considered, on balance, the development would have an acceptable impact on the character and appearance of the area.

Impact on residential amenity and privacy

There would be an impact from 'Block 2' on the dwellings behind as the building would be closer and higher in relation to these properties than the existing hall it would replace. Due to the lower level of the site, in relation to the dwellings behind, the plans detail the majority of the dwellings would however not be above the existing boundary treatment. It would be mainly the roofs that would be above, which slope away from the affected dwellings. No objections have been raised as a result of the public consultation exercise. It is considered, whilst there would be some increased impact on the neighbours on St Luke's Road, this would however not be significant enough to warrant a refusal reason.

With regard to 'Block 1' this would be closer and raised higher in relation to the properties below on Primrose Terrace and the bungalow on Lewis Terrace. The block would also contain some kitchen/living room windows on the elevation facing towards these properties. However the bungalow, immediately to the south, has a garage between it and the development site. In addition the trees to the rear of the site and the bungalows boundary treatment would screen some of the impact. Any overlooking would also be reduced as the proposed dwellings would look over the roof of the bungalow in question. Furthermore no objections have been received as a result of the public consultation exercise. It is considered whilst there would be

some impact on the residents below; this would not be significant enough to warrant a refusal reason.

In terms of the amenity of the occupiers of the dwellings, the proposed flats are considered of sufficient size for the number of bedrooms. There is some outside amenity space to the rear of the building and some space to store bins off the pavements. The accesses are well overlooked from the street and other dwellings in the development. As such, in these terms, it is considered the proposal would accord with guidance within the Council's Supplementary Planning Guidance for flat development.

Therefore, on balance, taking the above into account it is considered the development would be acceptable in these terms.

Access and highway safety

Seven car parking spaces would be provided and a new access from St Luke's Road. The access would provide an adoptable standard turning head and in addition some cycle stands. No objection has been raised by the Transportation Section to the proposal subject to conditions. They have also requested a financial contribution to provide double yellow lines along the site frontage to secure the visibility splay from the proposed new access and maintain the free flow of traffic for the new residents in the interests of highway safety. As such, it is considered the application would be acceptable in these terms.

With regards the suggested condition by the Transportation Section requiring that no surface water drains to the highways drainage network, Members are advised that this can be adequately catered for under a general drainage condition. A suitably worded informative should be appended advising the developer of this requirement.

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 construction hours, noise, dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of

Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case:

- 1 A detailed Tree Management Plan to manage the trees within the site in perpetuity.
- 2 The dwellings are to be affordable housing units in accordance with the scheme highlighted by the Housing Strategy Section.
- 3 A financial contribution of £3,500 for the implementation of a Traffic Regulation Order (double yellow lines) along St Luke's Road.

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 trees and ecology, the impact on the character and appearance of the area, the impact on residential amenity and the impact on access and highway safety (Policies AW1, AW2, AW5, AW6, AW7, AW8, AW10, NSA10 and Policy NSA12).

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of

five years from the date of this permission.

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

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

A100 Site Location Plan received on 19th July 2016

A103 Rev L Proposed Site Layout received on 14th November 2016

A104 Rev B Block type 1 – Floor plans received on 14th November 2016

A105 Rev B Block type 1 – Elevations received on 14th November 2016

A106 Rev C Block type 2 – Floor plans received on 14th November 2016

A107 Rev B Block type 2 – Elevations sheet 1 received on 14th November 2016

A108 Rev B Block type 2 – Elevations sheet 2 received on 14th November 2016

A109 Rev B Context Elevations received on 14th November 2016

A110 Rev E Proposed Site Sections sheet 1 received on 14th November 2016

A112 Rev B Proposed Site Sections sheet 2 received on 14th November 2016

A113 Rev A Proposed Site Sections sheet 3 received on 14th November 2016

A114 Rev C Proposed Site Sections sheet 4 received on 14th November 2016

A103 Tree Protection Plan received on 11th October 2016

and documents received by the Local Planning Authority on 19th July 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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations

report.

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

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

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

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

5. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be protected in accordance with the details on the Tree Protection Plan received on the 11th October 2016. Evidence of the protection measures installed shall be submitted to and the Local Planning Authority prior to the development commencing. The protection measures installed shall be retained as such throughout the construction of the dwellings and related development.

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.

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

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

7. 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 any dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

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

8. No development shall take place until drainage arrangements (including road drainage) 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

9. Building operations shall not be commenced until samples of the elevation and roofing 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. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the road layout including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

11. 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; and
 - 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.

12. Before the development is brought into use the means of access, together with the pedestrian links, parking facilities, cycle stands, turning facilities and vision splays shall be laid out in accordance with the submitted plan A103.

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

13. 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.

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APPLICATION NO: 16/0795/13 (JAW)
APPLICANT: Waterstone Homes Limited
DEVELOPMENT: Construction of affordable residential development for Newydd Housing Association, comprising 28 x 1-bedroom apartments, 2 x 2-bedroom mobility bungalows, 12 x 2-bedroom terraced houses and 2 x 4-bedroom semi-detached houses, with associated amenity areas and car parking, served by a new adopted access road. (Revised plans and additional reports received 17/11/16).
LOCATION: GENE METALS, KINGSLAND TERRACE, TREForest, PONTYPRIDD, CF37 1RX
DATE REGISTERED: 17/11/2016
ELECTORAL DIVISION: Treforest

RECOMMENDATION: That subject to conditions and the developer entering into a Section 106 Agreement that planning permission be approved.

REASONS:

The site is located within the settlement boundary identified in the Local Development Plan and would beneficially deliver social housing in the Treforest area.

The proposed development is considered acceptable in terms of scale, layout, design and its impact on the residential amenity of neighbouring properties. The proposal is also acceptable in terms of highway safety and parking. It has also been justified that the development is capable of being safely developed and its impact on existing trees and ecology can be satisfactory safeguarded.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Service Director Planning, as it is an outline application (with all matters except landscaping being considered) over 0.5 hectares in area.

APPLICATION DETAILS

This is an application for outline planning permission for residential development of 44 residential dwellings with associated amenity space and car parking. Details of

appearance, layout, scale and access are proposed to be considered at this stage with landscaping reserved for future consideration.

The proposed development will comprise:-

12 x 1-bedroom communal entrance apartments,
16 x 1-bedroom walk-up apartments
2 x 2-bedroom mobility units,
12 x 2-bedroom terraced houses
2 x 4-bedroom semi-detached houses

The two industrial buildings on site were demolished by the landowner during the processing of this application due to concerns with regards to trespass resulting in anti-social behaviour and health and safety concerns. The proposed demolition of the existing industrial units has therefore been removed from the description of the proposed development.

The site layout will comprise a central road with parking along each side comprising 46 car parking spaces and 2-cycle shelters.

Each side of the road will have a row of residential dwellings. The dwellings on the northern side of the access road will comprise four sets of three link (terraced) dwellings with a pair of semi detached dwellings in the centre of the row. The southern side of the site will comprise flats with a central block, three stories high front and rear elevation that will accommodate 12 communal flats. The central apartment block will measure 15.4m deep and will be 8.2m to its eaves and 14.4m high to its ridge. Either side of which will be located two two-storey buildings with four walk up flats in each. Two mobility bungalows are located immediately to the north of the access road into the site.

It is proposed to connect the site with Dan Y Bryn Road by an adopted highway that replaces the existing single access track.

The planning application forms, certificates and plans are also accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Coal Mining Report
- Preliminary Ecological Assessment
- Report providing the basis for a reptile mitigation strategy and the findings of daytime scoping with regard to the potential for roosting bats at the site
- Arboricultural report providing a preliminary assessment of a group of trees at the southern side of the site

- Civil/structural engineering proposals for Substructures and Stability of the adjacent site

SITE APPRAISAL

The site is an irregularly shaped piece of land located on a former scrap yard site to the north west and at a higher level to Birchley Close and to the south east of Treforest Football Club. The site is accessed off an existing unmade track to the north west of the Football Club and slopes from north east to south west.

The development site itself had a number of former scrap yard buildings which were demolished during the processing of this application. The site has well established ground flora and is on several levels throughout the site. All of the recently demolished buildings are linked by a rough made up track.

PLANNING HISTORY

10/0405 – Residential use (outline) – Approved at Committee on 21/02/13 subject to developer entering into a S106 Agreement, however, to date the required agreement has not been signed.

05/1264 – Residential development (outline) – Renewal of planning application 00/2871 – Approved 10/11/05

00/2871 – Residential development (outline) – Approved 15/02/02

93/0221 – Application for a Certificate of Lawfulness use of site for the storage of scrap metal – Granted 05/11/93

PUBLICITY

The application has been advertised by means of a press notice, site notices and neighbour notification letters. One letter of objection has been submitted raising the following issues. At the time of writing the report no replies have been received in respect of the revised plans and supporting reports. Any replies received will be reported verbally to Committee.

Environment

- Site is contaminated following years of vehicles being scrapped and dismantled. Require proof that a safe excavation is pursued at all times. A previous application was allowed requiring a large amount; about 6 foot depth of soil was removed from the site and disposed of correctly.
- Has the site had an asbestos report and if so is this available for public viewing?

Habitat

- Concerns with regard to disruption to natural habitat on site and neighbours garden as currently have a regular amount of wild birds. Pond and water feature in garden have a number of resident newts, visiting frogs, a few toads, along with slow worms and lizards. There is a vast number of pipistrelle bats overhead.

Subsidence

- In January 2000 a considerable amount of subsidence and under pinning work was undertaken to property which was only 9 years old. Some of the piles at the rear of the property which is closest to the application site exceeded a depth of 7 metres to find bedrock. Concerned this may start all over again. Who would cover this cost?

Traffic

- Concern with regard to amount of heavy plant that would need to be transported into the area including the large plant needed to import and export any contaminated and new soil would be immense. Roads in vicinity already in desperate need of repair.
- There is already havoc to residents in area when a match is on at the Football Ground as there is no suitable parking.

Children's Safety

- Concern safety of children in area as site is adjacent to Treforest Football club which often hosts children's matches and events. Children also play on playing fields next to football club and there is a community centre and children's playground close by. The danger signals that this all points to doesn't bear thinking about.

Property

- Purchased property partly due to rear garden being peaceful and tranquil. House is built into face of a quarry and thought it could not be overlooked or built behind.
- Concerned development would impact on light and noise level.
- Loss of value to property and neighbours in Birchley Close due to close proximity of proposed development.

CONSULTATION

Transportation Section – no objection subject to conditions and the applicant entering into a S106 agreement.

Land Reclamation and Engineering – recommends a condition requiring full drainage details.

Public Health and Protection – no objection subject to conditions and advisory notes.

Natural Resources Wales – advises that the site was previously a scrap yard and there is potential that the site may have caused contamination of the soil and groundwater. Therefore recommend conditions to address these concerns.

Dwr Cymru/Welsh Water – no objection subject to a condition and advisory notes.

Western Power Distribution – no response received within the statutory consultation period.

Wales and West Utilities – provides advice with regard to the location of their apparatus in proximity to the application site and safe working practices to be adopted when working in close proximity to it.

South Wales Fire and Rescue Services - advises consideration should be given to the provision of adequate water supplies for fire fighting purposes and access for emergency appliances.

Countryside Section – provides comments and recommends conditions and the developer entering into a S106 agreement in relation to trees and ecology.

Housing Strategy – advises that the scheme has been designed by Newydd Housing Association in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Treforest. The unit mix and tenure proposed are in accord with Housing Market Assessment 2014/15 and satisfies Policy SSA12 of the adopted Local Development Plan.

Corporate Estates – no response received within the statutory consultation period.

Coal Authority – Site is located within a low risk Coal Mining Area.

Council's Structural Engineer – no objection.

Street Care - no response received within the statutory consultation period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the settlement boundary of Treforest and is not allocated for any specific use. Although the application site lies within the settlement boundary the whole length of the access road remains outside the settlement boundary along with Treforest Football Club.

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

Policy CS4 - defines housing land requirements

Policy CS5 - requires provision of affordable housing

Policy AW1 - sets out the means by which new housing will be delivered through the development plan

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

Policy AW4 - lists community infrastructure and planning obligation contributions which the Council may seek in respect of key settlements.

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 - protection and enhancement of the natural environment.

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

Policy SSA11 – requires a housing density of 35 dwellings per hectare in the southern strategy area unless mitigating circumstances dictate otherwise.

Policy SSA12 – requires the provision of 20% affordable housing on sites of 5 units or more.

Policy SSA13 – permits residential development within settlement limits subject to specific criteria

Relevant Supplementary Planning Guidance

Design & Placemaking

Affordable Housing

Planning Obligations

Access Circulation & Parking requirements

Flats

Employment skills

National Guidance

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

Planning Policy Wales 9th Edition

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),

Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

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

In this case the determining issues are planning policy and the housing land supply issue, the design of the proposed development and its impact on the character and appearance of the area and on neighbouring properties and the impact on highway safety and parking.

Principle of the proposed development

The principle of developing this site for residential purposes was first approved in 2002 when outline permission was granted at appeal, this permission was renewed in 2005 and 2008. Having regard to the principle of residential development on the site having been established the site was then included within the settlement boundary of the Rhondda Cynon Taf Local Development Plan and excluded from the Special Landscape Area.

An application under reference 10/0405 was considered at a meeting of the Development Control Committee on 21st February 2013 where Members resolved to approve the application subject to conditions and a S106 Agreement. At the time of writing this report the required S106 Agreement had not been signed.

The principle of developing the site for residential purposes has therefore been firmly established. The development of the site for 44 dwellings would also make a small but welcome contribution to the five year land supply and provide much needed social housing in the Treforest area.

Impact on the character and appearance of the area

The submitted Design and Access Statement advises there is *‘a natural plateau running north to south through the centre of the site which provides the development with a natural ‘spine’ to accommodate the main estate road. Ground will be cut from the slope to the north of the new estate road to create the house plots and deposited on the slope to the south of the road to create the apartments’.*

Although the principle of the proposed ‘cut and fill’ is considered acceptable there was initially some concern with regards to both the extent of land that was proposed to be raised to accommodate the communal garden area for the apartments and the overall height of the central apartment block. To address these concerns the level of the communal garden area has been lowered to existing ground level. Due to the raising of the ground level to accommodate the two storey apartment blocks a retaining structure in the form of a sloping embankment is proposed which will be 2.8m high. The design and height of the central apartment block has been lowered with the ground and first floor levels of the rear windows in both the two and three storey buildings being on a similar level. The central apartment block will extend 4.7m further back than the rear wall of the two storey apartment buildings either side. Due to the difference in ground levels and the roof design of the central apartment block it will have a lower ground floor at its rear elevation. The building will appear as a three storey building both front and rear elevations.

Although the site is raised above existing dwellings and will be viewed as a standalone development it is considered that the scale and appearance of the development would be acceptable both from nearby and from cross valley views.

The proposal is considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on Residential Amenity and Privacy

With regard to the impact on neighbouring residential amenity, concern raised regarding subsidence and safety is addressed separately in this report.

Due to the topography of the area the rear windows and communal garden area of the apartments will be raised above the roof levels of the dwellings below in Birchley Close to such an extent that occupiers of the apartments would look over as opposed to down into the rear gardens/rear windows of the dwellings below. There is also a distance of in excess of 30m between the rear elevation of the central apartment block and the rear elevation of dwellings below. The existing tree landscaped embankment will also assist in screening the development from the dwellings below. It is therefore considered that the proposal would not result in an unacceptable degree of overlooking, loss of privacy or overbearing impact to the

dwellings below the site in Birchley Close. It is for these reasons it is considered that the development is compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Considerations

The Highways Development Control Section has considered the proposed development and has not raised any objection. In arriving at this conclusion highway officers have given careful consideration to the key issues that affect the proposal, including the Transport Statement submitted in support of the application and considerations including trip generation, access, circulation, parking, proximity to local amenities and cycle parking.

The Highways Development Control Section's conclusions include;

- The traffic generated by the proposed development of 27 peak hour trips and approx 350 trips per day will not have a significant detrimental impact on the existing residential street and will in part be mitigated by the number of available routes between the proposed site and strategic highway network.
- The proposed access improvements, including improvements to Dan y Bryn Road and provision of circulation and are considered acceptable subject to detailed design which can be conditioned accordingly.
- Parking provision in accordance with the Council's Supplementary Planning Guidance: access, circulation and parking requirements require a minimum of 48 car parking spaces with 46 provided, a short fall of two spaces. The proposal also includes two bicycle storage areas. Whilst in their conclusions some concern is expressed with regards to the shortfall of two spaces in the minimum parking requirements they remain mindful of the fact that the proposal is for social housing where car ownership rates are historically lower and the site is located in a sustainable location close to local amenities and access to public transport. To mitigate against the shortfall a £4,000 payment is requested towards improving public transport infrastructure and £5,000 towards improving accessibility to walking and cycling facilities in the area as detailed later in the report.
- Learner travel routes between the proposed development and local primary and secondary schools have been assessed and are available.
- Accident analysis of the Council's accident database for the last five years of available data does not identify any particular accident hotspots that would be exacerbated by the proposed development and therefore no mitigation measures are proposed.
- The stage 1 Road Safety Audit identifies a number of minor issues that can be addressed at detailed design stage and further scrutinised at Stage 2 of the Road Safety Audit Process.
- A condition is recommended to implement a residential travel plan.

It is therefore considered that subject to conditions and the developer entering into a S106 Agreement the proposed development is acceptable in terms of highway safety

and parking and accords with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application.

Site Investigation and Contamination

The concerns regarding contamination of the site, the question whether the site has had an asbestos report and subsidence that has previously occurred to a dwelling located below the site are noted.

Due to officer concern regarding the proximity of the proposed development (and in particular the proposed three storey apartment block) to an existing steep embankment, that is tree lined with houses located below, additional information has been requested to demonstrate that the development can be implemented without impacting on the embankment and existing trees.

A report has been submitted prepared by QuadConsult Consulting Civil and Structural Engineers that evaluates the principle of the proposed development and focuses on the substructures of the proposed apartment block, including methodology build sequence. The purpose of the report is 'to ensure the stability and integrity of the adjacent escarpment/quarry face on the southern boundary of the site is not affected during the construction works and upon completion'. The conclusions of the report advise: the load paths from the proposed foundations do not apply lateral loads onto the escarpment face and it is therefore believed that there will be no stability issues, all works will be appropriately managed to reduce cut into made ground which could be subject to local movement and the majority of material removed within the reduced level dig can be re-used on site within the substructure voids. The Council's Structural Engineer is satisfied that the report shows that the development can be implemented without adversely impacting on the existing embankment.

It is acknowledged that the site has previously been used as a scrap yard and there are significant concerns that the site may have caused contamination of the soil and groundwater. Both the Council's Public Health and Protection Section and Natural Resources Wales do not object to the proposed development subject to a number of conditions that relate to addressing the potential contamination of the site both in terms of soil and groundwater. The content of the required report/s to address the conditions would be expected to include soil samples taken to pick up any asbestos in the site and any proposed/necessary remediation works.

Trees

A Tree Survey prepared by Cardiff Treescapes has assessed the three groups of trees that grow on the (and around) the edge of the embankment which forms the boundary between the proposed apartment blocks and the existing dwellings on ground below the site in Birchley Close. The survey has assessed the three groups as mixes of mainly deciduous species all being in good condition. The report shows that the development of the site with protection measures put in place can be implemented (including excavation works and constructing the foundations) without undermining the trees.

The report then goes on to state that 'management will be required to restrict height due to instability of ground and risk of failures'. However, the trees on the slope are outside the application site and outside the applicants/ownership control. The report advises that the trees will need future management for Group 1 the action suggests reduction of willows to 1.5 m pollards and all other trees by 40/50%. Assuming that provision would also be implemented for Groups 2 and 3 that would suggest that the maximum height of Group 1 would be reduced to 4.5 metres and Groups 2 and 3 to 7 metres. Without management there is concern with regards to the future of these trees and stability of the slope and to a lesser extent the impact of the trees on future residents of the apartments in terms of light entering their properties. However this application cannot request that works be undertaken to trees outside the applicant's ownership/control as it is the landowners responsibility to maintain these trees to ensure the stability of the slope.

To conclude the submitted details are considered sufficient to show that the site is capable of being developed without adversely impacting on the existing 3 groups of trees and the stability of the slope and the future impact of the existing trees on the proposed apartments is not considered reason itself to warrant refusal of this application. The required future management of the trees to ensure the stability of the slope is acknowledged however this is not a matter that this current planning application can and should address due to the applicant having no control over this area of land.

Ecology

An addendum letter received from Hawkeshead Ecology confirms that a large area of reptile mitigation area is present and can receive reptiles translocated/moved from the development site. The Council's Ecologist recommends a condition to require a reptile mitigation strategy and a S106 in respect of aftercare management of the reptile and invertebrates.

The description of the proposed development included the demolition of industrial units. It became apparent that the two buildings on the site have been demolished by the landowner during the processing of this application. The demolition of these buildings should have been subject to a prior notification application for demolition as the buildings were being demolished not part of a planning permission. The main consideration of a prior notification application would have been with regards to any

bats in the buildings, the original Ecology survey has considered the likelihood of any bats in the buildings and did not rate the buildings on the site as having a high bat roost potential and therefore it is not considered expedient in this case to process the lack of a prior demolition notification application further. However, it is clearly not good practice to demolish buildings during the processing of an application that have any potential as bat roosts. An addendum letter to the Ecology report assesses four groups of trees as being lost to the proposed development using Bat Conservation Trust methodology. One of these a Goat Willow is assessed as a medium roost potential (although investigations found no major cavities and no evidence) and the other three were assessed as low potential. A condition requiring felling methodology via a Wildlife Protection Plan is recommended.

It is therefore considered that subject to conditions and a S106 Agreement that ecology issues can be appropriately mitigated.

Public Health and Protection

The issue of contamination has been addressed above. The Council's Public Health and Protection Section has also suggested conditions/informative notes relating to the potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application. Whilst it is inevitable that any development of the site would lead to noise and disturbance to adjacent/nearby properties during the construction stage, it is considered that matters such as, noise, dust, disposal of waste and artificial lighting can be more effectively controlled by other legislation with an appropriate informative being added to any permission notifying the applicant/developer of the need to comply with legislation.

Concerns raised by a local resident not addressed above

- Concern regarding the safety of children playing in the area is noted. The Council's Highways and Transportation Section has recommended conditions to control the hours of HGV deliveries and for the developer to agree a construction method statement for the site.
- Concern regarding parking levels in the area when football matches are being played is noted. This is an existing problem that the applicant cannot be expected to address as part of the proposed development and there is no evidence to suggest that the proposed development would make the situation worse.
- It is not considered that the proposed development due to the distance between the application site and dwellings is Birchley Close and the difference in levels would have an unacceptable impact on light and noise levels currently enjoyed by the occupiers of the dwellings below the site.
- Concern regarding loss of value to property is not a material planning consideration that can be addressed as part of this application.

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 at the reserved matters stage.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

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

- The whole site restricted for affordable housing purposes.
- Highway mitigation measures to include:
 1. £4,000 towards improving public transport infrastructure in the vicinity of the site to be utilised to improve the existing substandard bus stop at Princess Street by providing a new shelter to encourage the use of sustainable means of transport.
 2. £5,000 in accordance with the Active Travel (Wales) Act 2013 towards the upgrade/replacement of access control barriers on NCN 4 (Taff

Trail) and on local routes to Ynysangharad Park and south to link Treforest Industrial Estate and the Church Village Community Route, which allow access for cyclists, wheel chair users, users with pushchairs etc.

3. To undertake statutory consultations in respect of any Traffic Orders associated with the proposed development including the implementation of such orders granted by the Highway Authority.
 4. The provision of a play area and public open space financial contribution comprising £34,125 plus £6,522 maintenance, total = £40,647.
- Employment and Skills Plan.
 - A management plan in respect of the aftercare and management of the communal open space for the apartments and management of the reptiles and invertebrates mitigation area.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing in sustainable locations within the settlement boundary as defined by the Local Development Plan. Following revisions to the design of the proposal its impacts in terms of safety, amenity and appearance are considered acceptable. Matters relating to highway safety and parking are also acceptable.

RECOMMENDATION: Grant

1.
 - (a) Approval of the details of 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 landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 - (c) Application 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 plan nos.

2282/DP100 – Site Location Plan;
2282/DP101B – Existing Site Plan;
2282/DP110C – Proposed Site Plan
2282/DP111C – Proposed Site Plan
2282/200C – Proposed Site Sections
2282/DP300A – Proposed Lower Ground Floor and Ground Floor Plans (Apartment Block)
2282/DP301A – Proposed First and Second Floor Plans (Apartment Block)
2282/DP302 – Proposed Roof Plan (Apartment Block)
2282/DP310B – Proposed Elevations (Apartment Block)
2282/DP400 – Proposed Floor and Roof Plans (6P / 4B House)
2282/DP410 – Proposed Elevations (6P / 4B House)
2282/DP500 – Proposed Floor and Roof Plans (4P / 2B House)
2282/DP510 – Proposed Elevations (4P / 2B House)
2282/DP600 – Proposed Floor and Roof Plans (4P / 2B Assisted Living Bungalow)
2282/DP610 – Proposed Elevations (4P / 2B Assisted Living Bungalow)
2282/DP710 – Proposed Contextual Elevations

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. 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.

4. Building operations shall not be commenced until samples of external 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.

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

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

6. No development shall commence 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 any of the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be visually attractive and secure in the interests of amenity and safety in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

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 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.

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 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.

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.

8. Prior to the commencement of any of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted, in writing to the Local Planning Authority:
- i) 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.
 - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and the detailed risk assessment referred to in (ii) 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.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In order to take account of controlled waters at this site and their environmental sensitivity and contamination due to the previous use of the site as a scrap yard. To accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No dwelling shall be occupied until 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. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site. To accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the long term remediation criteria relating to controlled waters have been met. To ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of

the site. To accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. 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 size of the site it is considered possible that there may be unidentified areas of contamination that could pose a risk to controlled waters if they are not re mediated. To accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: There is an increased potential for pollution of controlled waters from appropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins. To accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the proposed highway improvements to Dan Y Bryn Road including longitudinal and cross sections; street lighting details, plateau and raised carriageway details, road marking, signage and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the existing highway leading to the proposed development, in the interests of highway safety to accord with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the proposed site access road and internal road layout including longitudinal and cross sections; street lighting details, secure cycle parking, vehicle restraint barriers and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

16. HGV deliveries shall take place during the construction period between the hours of 09:00am and 16:00 on weekdays to and from the site.

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

17. The Developer shall provide the occupants of each dwelling with one Travel Plan Welcome Pack, which should contain the following:-

- Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
- Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
- Local and national cycle routes; and
- Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National and Local

Planning Policies.

18. No development shall take place until a Wildlife, Habitat and Tree Protection and Mitigation 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 'Wildlife, 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 retained trees and other areas of ecological value;
 - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, reptile and bat)
 - d) Details of specific species mitigation and monitoring measures for key species (including bats, reptiles, nesting birds)
 - e) Details of tree protection measures and agreed management works
 - f) Details of invasive plant avoidance
 - g) Details of street lighting mitigation
 - h) Persons responsible for:

Compliance with legal consents relating to nature conservation;
Compliance with planning conditions relating to nature conservation;
Installation of physical protection measures during construction;
Implementation of sensitive working practices during construction;
Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
Specific species and Tree Mitigation measures
Provision of training and information about the importance of the 'Wildlife and Tree 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: In order to protect existing wildlife, habitat and trees on the site during construction. In accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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|------------------------|---|-------------|
| APPLICATION NO: | 16/0819/10 | (HW) |
| APPLICANT: | Rhondda Housing | |
| DEVELOPMENT: | Proposed residential development of 26 flats, car parking, landscaping and access. (Amended plans | |

received 12/10/16)
LOCATION: **SOUTHGATE GARAGE, CROSS INN ROAD,
LLANTRISANT, PONTYCLUN, CF72 8AY**
DATE REGISTERED: **27/07/2016**
ELECTORAL DIVISION: **Town (Llantrisant)**

RECOMMENDATION: Approve

REASONS: This is a proposed infill development on a brownfield site within the settlement boundary of Llantrisant. The key issue in the determination of this application is considered to be the impact on the amenity of surrounding residential properties. While it is accepted that the development will impact on residents, it is not considered that this impact is unacceptable in planning terms and therefore it is recommended that planning permission is granted.

REASON APPLICATION REPORTED TO COMMITTEE

The application is being reported to the Development Control Committee as it comprises more dwellings than can be considered under the scheme of delegation. In addition, more than 3 objections have been received to the scheme. The Local Member has also indicated that he wishes to request a site visit.

APPLICATION DETAILS

Full planning permission is sought for 26 one bedroom flats on the site of the former Southgate Garage in Cross Inn Road, Llantrisant.

The development is proposed as a social rented development. It comprises two L-shaped blocks, both of which are partially two storey and partially three storey in height. Both blocks will front Cross Inn Road and a new access and turning area is proposed between the blocks from Cross Inn Road, which gives access to the parking area to the rear of the blocks. Some communal garden area, two cycle stores and bin stores are also proposed as part of the development.

The blocks proposed are quite traditional in shaped with standard ridged roofs, and are proposed to be finished in a mix of artificial slate, stone cladding, brickwork and render. The 3 storey elements are a maximum of 12 metres in height and the 2 storey elements are a maximum of 9.2 metres in height.

As well as the plans, a Planning Statement, Design and Access Statement, Transport Statement, Noise Impact Assessment, Geotechnical/Geoenvironmental Report and Drainage Strategy have been submitted with this application.

SITE APPRAISAL

The site is a former garage site that is currently vacant. The garage building on the site was demolished in 2011. The site has a long frontage of 90 metres in length, and is 29 metres deep. It is rectangular in shape with a long frontage along Cross Inn Road. To the east of the site is a large domestic garage with a row of traditional cottage style houses beyond this. To the west is an operational car repairs garage.

The site is supported to the rear by a retaining wall of approximately 2.5 metres in height, which raises the level of the site from the houses in Greenlands Road and Summerfield Drive behind.

PLANNING HISTORY

The relevant planning history for this site is as follows:

| | | |
|---------|---|----------------------|
| 85/0424 | Sign Panels. | Approved 01/08/85 |
| 83/0011 | Office and cloakroom extension to garage. | Approved 02/02/83 |
| 75/0274 | Advertisement Sign. | Approved 09/07/75 |

PUBLICITY

The application was advertised by means of site notices and a press notice, due to it being a major application. Direct letters of notification were also sent to adjoining neighbours.

Letters of objection have been received from 23 properties. The concerns raised are summarised below. In addition to this, the Local Member wrote to advise that he had some concerns regarding the development in the form that it was originally submitted.

Residential Amenity

- The development would cause a huge loss of privacy to residents in Greenlands Road, particularly as it is significantly higher and there are a number of windows to the rear;
- The development would cause overlooking of both the houses and gardens in Greenlands Road;
- The development would be overbearing on neighbours;
- The development would cause overshadowing of neighbouring properties;
- The development would result in increased noise and disturbance;

- Concern that the parking area for Block 1 will impact on the properties behind, due to its proximity to the boundary, it being raised above neighbouring gardens, loss of privacy, car lights and noise;
- High walls or fences to resolve privacy concerns could result in loss of light.

Visual Impact

- The three storey elements of the development cause concern as there are no three storey developments in the area;
- The development will be much higher than the original structure on the site;
- The proposal is visually detrimental to the surrounding area;
- The flats would be out of character with the area, including with the cottages on Cross Inn Road;
- The frontages are further forward than the existing;
- One bedroom flats would lead to a change of character of the area;
- The development is out of scale to others in the area;
- The site is too small for the number of flats proposed;
- The proposal is an over development of the site- there is not enough space on the site for the number of units proposed;
- The Cross Inn/ Llantrisant/ Talbot Green area has already had a lot of development recently is becoming unacceptably over developed.

Parking, Traffic and Highway and Pedestrian Safety

- Insufficient parking is proposed as part of the development;
- There should be two parking spaces per flat, plus parking for visitors;
- Under the relevant guidance , 36 parking spaces should be provided;
- The development would cause further parking on Cross Inn Road, which is already needed for existing developments, leading to concerns regarding not enough parking being available;
- There is concern other roads could be used for overspill parking as a result of the development;
- Concern that the development may result in further parking restrictions on Cross Inn Road- double yellow lines along much of its length already makes it very difficult for people to find somewhere to park;
- The development would increase levels of traffic in the area, and traffic congestion is already a problem;
- The development would increase the risk of accidents on Cross Inn Road- there were two in one day recently;
- The new access on to Cross Inn Road will impact on highway safety;
- Children living in the new development may be in danger due to Cross Inn Road being so busy;
- The traffic calming measures on Cross Inn Road may not cope with the development;
- The speed humps and parking that takes place along it already make driving along Cross Inn Road hazardous and walking along it dangerous for pedestrians, and more traffic will exacerbate these situations;

- Pedestrians have to cross the road at one point as the footway finishes, this is on a bend and already dangerous and more traffic will make it more so;
- It is not safe to move the bus stop as proposed due to junctions and the sharp corner;
- The land should be turned into a car park.

Other

- Concern that there is contamination on the site as there are underground fuel tanks remaining from the former Southgate Garage, and this could be detrimental to health when the ground is disturbed;
- Contaminants already seep through the wall into neighbours' gardens, and any disturbance of the ground could make this worse;
- Concern regarding the condition of the retaining wall; at the rear of the site;
- The noise and traffic due to the building work would be considerable and may impact on wild birds living on the hillside;
- The social housing is needed in the north of the County Borough rather than here;
- Local services and infrastructure are already strained;
- There is concern that there are insufficient school places, healthcare capacity and play/ leisure facilities for existing residents;
- This will put more pressure on the Community Council;
- Previous planning applications for housing on the site have been rejected;
- The view to the Caeu'r Llan Slopes will be obstructed;
- The development will not be for families and there is concern regarding who might live there;
- Concern that due to crime rates in a nearby development managed by the same Housing Association, crime could be an issue;
- There will be an impact on house prices;
- Concern that there has been insufficient publicity in relation to this application.

Revised Plans

- The revised plans do not address the concerns previously raised;
- There is concern that Block 2 has been moved back so it is closer to the houses behind.

CONSULTATION

Highways Development Control - no objections raised, subject to conditions.

Public Health and Protection - no objections raised, subject to conditions.

Housing Strategy - no objections raised.

Countryside - no objections raised, subject to conditions.

Coal Authority - no objections raised.

South Wales Police - have provided design advice in relation to crime.

Land Reclamation and Engineering - no objection raised, subject to a condition.

Dwr Cymru/Welsh Water -no objection raised, subject to a condition.

Wales and West Utilities - no comments made.

Western Power Distribution - no comments made.

Llantrisant Community Council - object due to the following concerns:

- The availability of parking;
- Exacerbation of highway/pedestrian safety issues on Cross Inn Road;
- The impact of the three storey element of the development;
- Impacts on neighbour amenity;
- Lack of outdoor amenity space;
- Pressure on existing facilities;
- Contamination of the land.

The Community Council requests that the Development Control Committee carry out a site visit prior to determining the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The site is unallocated and within the settlement boundary.

The following policies are considered to be relevant:

Policy CS2 - Development in the South

Policy CS5 - Affordable Housing

Policy AW1 - Supply of New Housing

Policy AW2 - Sustainable Locations

Policy AW5 - New Development

Policy AW10 - Environmental Protection and Public Health

Policy SSA13 - Housing Development within Settlement Boundaries

The following Supplementary Planning Guidance (SPG) is considered relevant:

Access, Circulation and Parking

Development of Flats

Employment and Skills

National Guidance

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

Chapter 9 - Housing is considered relevant to this development.

REASONS FOR REACHING THE RECOMMENDATION

The site is unallocated for development and is within the settlement boundary of Llantrisant within a predominantly residential area. Therefore, the principle of residential development on this site is considered to be acceptable. In respect of the type of units proposed, substantial shortfalls of smaller social rented units have been identified in the current Local Housing Market Assessment within Llantrisant Ward, and development of this site would contribute to meeting strategic housing priorities within the County Borough. The key issue in the determination of this application is considered to be the impact of the development on residential amenity.

On Cross Inn Road, the proposed development is immediately adjacent to a large domestic garage on the western side, with the residential property at no. 20 to the side of this, and a commercial garage to the east. The proposed blocks follow a similar building line to residential properties along Cross Inn Road and are of a similar depth, and are therefore not considered to have a significant impact on the amenity of these properties.

In respect of the residential properties behind the development, the application site sits on a retaining wall of about 2.5 metres in height, making the development site significantly higher than the garden levels of the properties behind. The site backs on to nos. 11, 13, 15, 17 and 19 Greenlands Road, and no. 19 Summerlands Drive.

It is acknowledged that the proposed development will impact on the residents of these properties through an intensive development of a site that has been vacant for sometime. It is also acknowledged that the height of the site itself and the three storey elements of the buildings will exacerbate those impacts.

Concern was raised with the developers originally as the elements of the blocks that projected back towards the properties behind were to be three storeys in height and it was considered that these could have an adverse impact on residential amenity by appearing imposing on residents, due to the additional height from the retaining wall. The height of the projecting elements was then reduced to two storeys, removing two flats from the scheme (although parts of the blocks at the front remain three storeys in height).

With the changes made, there is considered to be a sufficient distance between the blocks and the properties behind for the development to have an acceptable impact on residential amenity in planning terms. The closest part of either of the buildings to the rear boundary of the site is 12.5 metres. The closest part of either building to one of the rear dwellings is 16 metres (Block 1 to 19 Summerlands Drive) but this is not directly facing that dwelling. In respect of the properties on Greenlands Road, the nearest dwelling is 29 metres away from the closest part of Block 2.

It is considered that these distances are sufficient for the development not to have an unacceptable impact in terms of privacy and loss of light, and will not result in the development being unacceptably overbearing, although it is appreciated that this is a significant change for the residents in comparison to their current outlook.

In respect of concerns regarding the location of parking along the boundary, it is considered that as these are residential parking spaces, the amount of movement to and from them is not likely to create an unacceptable disturbance, providing a standard 1.8 metre boundary fence/wall is erected, as would be expected in this type of development. The applicant has confirmed it is their intention to erect a wall or fence of this height and this can be provided under the recommended condition 10.

OTHER ISSUES

The level of parking provision is considered to be acceptable taking into account these are all one bedroom flats and the level of car ownership associated with social rented housing is likely to be lower than for market housing. Further parking restrictions are not considered to be required on Cross Inn Road as part of this development. It is considered the proposed new junction is acceptable in terms of highway safety and that the traffic generation from the development would not have an unacceptable impact on traffic or highway/pedestrian safety in the area.

In respect of concerns regarding the visual impact of the buildings, particularly the three storey elements, while it is acknowledged there are currently no three storey dwellings in the immediate locality, it is not considered that the three storey elements of the development would have an adverse impact of the character of the area, in the context of the design of the scheme as a whole. The three storey elements are a relatively small part of the footprint of the buildings in the middle of the scheme, to either side of the proposed access. Their character is considered to be acceptable as part of the scheme. The two storey element of Block 2 alongside the cottages on Cross Inn Road has been set back to be in line with these cottages and therefore follows the existing building line until a step is made out to the three storey element. This step is considered acceptable as part of the scheme design and the two storey stepped in part adjacent to the cottages is considered to help the scheme be more in keeping with its surroundings.

In respect of contamination it is acknowledged that the ground is contaminated, and this includes hydrocarbons from the previous use as a petrol station/garage. The Contaminated Land Officer from Public Health and Protection is confident that contamination issues can be resolved through the recommended conditions and notes the works are the most likely way remediating any problems of contamination resulting from the historic use of the site. In respect of the retaining wall, the Structural Engineer has advised that substantial rebuilding is unlikely to be required, but the top of the wall lacks capping stones to prevent water ingress which is probably why the render is in poor condition. It is considered this can be addressed via remedial works, which can be covered under condition 5. It is not considered that the development would have a significant impact on wildlife, nor the Site of Importance for Nature Conservation or Special Landscape Area opposite due to its infill nature and it being on a brown field site, nor would it have a significant impact on local infrastructure. It is noted that as the flats proposed are all one bedroom flats, no assessment is required for a contribution towards school places under the Planning Obligations Supplementary Planning Guidance.

Residents have referred to a previous application for housing on the site being refused, but no records can be found of this.

In respect of concerns about crime, while this is a material consideration, it can not be assumed that because there are high crime rates in one development managed by the applicant that this proposal will attract the same level of crime. In respect of crime, the developer will have to seek the "Secured by Design" standard to receive Social Housing Grant to fund the development, and therefore it is considered more appropriate for this matter be addressed through this process, as "Secured by Design" is not a planning requirement.

PLANNING OBLIGATIONS

It is considered that in this case, a Section 106 Agreement is required to ensure the site is developed as affordable housing. This is due to the Highway observations regarding the levels of parking provided which may not be considered acceptable for market housing development as levels of car ownership tend to be lower in affordable housing schemes and the need to ensure at least 20% of the units are affordable to meet the requirement of the Local Development Plan. Following discussion with the applicant, a Section 106 Agreement for 100% affordable housing is recommended. In addition an Employment and Skills Plan is required as the development is over 25 units, and it is therefore recommended this is included as part of any Section 106 Agreement.

COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for a kind that is liable for a charge under the CIL Regulations 2010 (as amended). The site lies within Zone 3 of

Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85sqm for residential development . The CIL (including indexation) for this development is expected to be £156.641.84. However, the applicant is entitled to apply for social housing relief on the development.

CONCLUSION

For the reasons above, the development is considered acceptable, and it is therefore recommended that planning permission is granted.

RECOMMENDATION Approve subject to a Section 106 Agreement for the site to be developed as 100% affordable housing, the provision of an Employment and Skills Plan and the following conditions:

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans nos 2193/100, 2193/103 - 27/07/16, 2193/101 Rev A, 2193-200-01 Rev B, 2193-200-02 Rev B, 2193-200-03 Rev A, 2193-200-04 Rev A - 12/10/16 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. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.

3. A written method statement for the remediation of contamination affecting the site

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

4. Notwithstanding the submitted details, 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.

5. No works shall commence on site, until a structural survey of the existing rear retaining wall supporting the site has been submitted to and approved in writing by the Local Planning Authority. This shall advise if any works are required to the retaining wall as part of the development and provide details and design calculations of any works to be carried out. All works recommended and approved shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place, until a Construction Method Statement has been submitted to 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) Wheel wash facilities,
- a) The sheeting of lorries leaving the site.

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

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

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

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

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

8. Full details of a scheme for the eradication and/or control of any Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) present on the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

9. Building operations shall not be commenced until samples of the roofing

materials and wall finishes 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 there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied.

Reason: To ensure that the new development will be 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.

11. The site boundary fronting Cross Inn Road shall be set back from the edge of the existing carriageway to provide for a 2.0 metres wide footway, and reinstatement of the existing vehicular crossovers to full footway construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved scheme shall be implemented in accordance with the approved plans prior to beneficial occupation of any dwelling.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the new access road, tie-in with Cross Inn Road, alterations to the existing traffic calming features on Cross Inn Road, upgrading of the existing bus stops on Cross Inn Road, internal road layout, street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering details.

Reason: To ensure the adequacy of the proposed development, in the interest of highway and pedestrian safety, in accordance with in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to the commencement of development, details of a safety barrier or

bund to be erected adjacent to the rear boundary shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to beneficial occupation, in accordance with the approved plans.

Reason: To prevent cars overshooting the parking area and hitting the rear boundary treatment of the site where it sits on top of the retaining wall, in the interests of public safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7) 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.

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

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

16. 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.

17. Construction works on the development shall not take place other than during the following times:

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

18. HGV's used as part of the development shall be restricted to 09:00am to 17:00pm 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: | 16/0844/13 | (KL) |
| APPLICANT: | Searchgrade Ltd | |
| DEVELOPMENT: | New B1, B2 and B8 Industrial Unit | |
| LOCATION: | LLANTRISANT BUSINESS PARK, LLANTRISANT, PONTYCLUN, CF72 8YW | |
| DATE REGISTERED: | 11/10/2016 | |
| ELECTORAL DIVISION: | Town (Llantrisant) | |

RECOMMENDATION: Approve

REASONS: The application site lies within the established Llantrisant Business Park and the proposal to construct an industrial unit in this location is considered to be appropriate and compatible with existing uses in the area. The scheme is therefore considered to be in accordance with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission is sought for the construction of a new industrial unit on a vacant plot of land at Llantrisant Business Park, Llantrisant. The application seeks to establish the principle of the development and whilst detailed drawings have been submitted with regards to the layout of the proposed scheme, these are for indicative purposes only with all matters being reserved for future consideration.

The indicative layout details a single industrial unit being located towards the most north-eastern part of the site with access provided off the existing estate road to the southern boundary. A total of 10 car parking spaces (including 2 disabled spaces) are shown within the site, along with an area for motorbike and bicycle parking and a turning area for larger vehicles.

The unit is intended to be used for business, general industry and storage & warehousing (use classes B1, B2 & B8) and would have the following minimum and maximum dimensions:

- Building width: 20m. Min – 20.5m. Max
- Building depth: 33m. Min – 33.5m. Max
- Building height: 8.7m. Min – 9.2m. Max

The application is accompanied by:

- Design and Access Statement;
- Coal Mining Risk Assessment.

SITE APPRAISAL

The application site relates to a vacant plot of land measuring approximately 0.2 hectares on the north-western edge of Llantrisant Business Park. It forms part of the former Perkin Elmer site which is already occupied by a two other industrial units (to the east and south of the application site) and smaller office buildings (to the west). Although ground levels at the site are relatively flat, it is noted that there is a slight slope down to the existing one-way internal road through the site. There is also an embankment along the northern boundary which slopes up towards a mature wooded area at the rear of the site.

PLANNING HISTORY

| | | | |
|---------|---|--|---------------------|
| 05/1579 | Perkin Elmer Site, Llantrisant Business Park Ynysmaerdy Pontyclun | Erection of 2036m ² of 2 storey offices in 3 buildings with 61 car spaces and new access road. Redefinition of internal road and overall provision of 237 car spaces with 2nd phase of B1 office buildings on residual land. Replacing B2 unit and open storage (amended site layout plan received 24/10/05). | Granted 20/01/06 |
| 02/0242 | Perkin Elmer Site, Llantrisant Business Park Ynysmaerdy Pontyclun | Form new access road to development, landscaping externally, creating staff and customer parking. Raise a section of roof and extend to form covered loading bay for articulated vehicles. Removal of outbuildings, form new window openings | WDN 20/03/02 |

and reconfigure internal partitions.

| | | | |
|---------|---|--|---------------------|
| 00/2257 | Markes International Ltd Unit D3 Llantrisant Business Park | Erection of two non-illuminated signs | Granted 11/05/00 |
| 98/2400 | Prematec Llantrisant Business Park | Proposed erection of a detached industrial unit | Granted 20/07/98 |
| 97/2703 | Perkin Elmer Site, Llantrisant Business Park Ynysmaerdy Pontyclun | Proposed loading bay extension and new entrance/reception canopy | Granted 20/10/97 |

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. No letters of objection or representation have been received.

CONSULTATION

Coal Authority – no objection although further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Countryside Landscape, Ecology – no objection subject to condition.

Land Reclamation & Engineering (Drainage) – no objection subject to condition.

Public Health and Protection – no objection subject to conditions.

Transportation – no objection subject to conditions.

Wales & West – no objection subject to informative note.

Dwr Cymru/Welsh Water – no objection subject to condition and advisory notes.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary for Llantrisant Town and is not allocated for any specific purpose.

Policy CS2 – sets out criteria for achieving sustainable growth including promoting development within defined settlement boundaries and promoting the reuse of under used/previously developed land.

Policy AW2 – supports development in sustainable locations and includes sites that are within the defined settlement boundary which 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 – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including air, noise or water pollution.

Supplementary Planning Guidance:

Design and Placemaking
Access, Circulation and Parking

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), 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.

Main Issues:

Principle of the proposed development

The application site is situated within the defined settlement boundary of the Southern Strategy Area and positioned toward the north-western boundary of Llantrisant Business Park. Although currently vacant, the site forms part of the former Perkin Elmer site at which there are two existing industrial units and a number of office-type buildings. The site has a clear relationship to the existing business park including the main arterial route through the estate which leads to the A4119. As such, it is considered that the site is a logical and appropriate location for an industrial unit of the nature proposed and would provide considerable employment opportunities in the area. The principle of the proposed development is therefore considered to be acceptable subject to an assessment of other key requirements set out in the Local Development Plan.

Impact on the character and appearance of the area

The application seeks outline permission for an industrial unit on an existing industrial estate. Whilst matters of access, site layout, scale and design would be considered as part of a subsequent reserved matters or full application, the indicative plans demonstrate that the site could comfortably accommodate a sizeable unit and associated parking without resulting in overdevelopment. In addition to this, it is considered that an industrial unit of the scale proposed would be in-keeping with other industrial units in the immediate vicinity and could be designed in such a way as to reduce its visual impact.

As such, the proposal is considered to be acceptable in this regard.

Impact on amenity and privacy of adjacent land users

The indicative siting for the proposed unit illustrates that the proposal would be located towards the eastern part of the site and it is considered that there is sufficient distance between the proposal and surrounding units to ensure that it would not have a significant impact in this regard.

The nearest residential properties to the site are located approximately 265 metres away to the south-east and the proposal would therefore not have any impact on the residential amenity and privacy of those properties.

Furthermore, it is acknowledged that there have been no objections to the application from neighbouring properties in response to the consultation exercise and the application is therefore considered to be acceptable in this regard.

Impact on Highway Safety

With regard to access, the proposed development makes use of the existing estate roads serving the former Perkin Elmer site and wider business park. The limited scale of the proposed development will have no adverse impacts on highway safety or free flow of traffic and, therefore, is considered acceptable in terms of access. Since the application is outline the use class of the development is not yet determined and, as such, a condition has been suggested to ensure that the parking provision for development shall be in compliance with the adopted SPG Access Circulation and Parking requirements.

Other:

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation hours of operation, noise, waste and dust. 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 and the suggested are not considered necessary. An appropriate informative note would be sufficient in this instance.

It is also noted that a former factory (Analytical Instruments factory) formerly occupied the application site and the Public Health and Protection Department therefore considers that there is potential for contamination to exist on site. As such, it is suggested that the application shall not be determined until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. Whilst these comments are appreciated, it is considered that the details could be requested and dealt with by conditions.

Countryside

A sufficient non-construction buffer would be maintained between the development and the existing woodland belt to the northern boundary and the Council's Countryside, Landscaping and Ecology Section therefore raise no objection to the proposal. However, a condition requesting details of the proposed landscaping to the northern boundary is suggested.

Coal Risk

The application is accompanied by a Coal Mining Risk Assessment which has been the subject of a consultation exercise with the Coal Authority. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is, or can be, made safe and stable for the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

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 CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The scheme is acceptable in terms of its compatibility with the surrounding area and it is not considered that it would have a harmful impact on the character and appearance of Llantrisant Business Park or upon the amenity and privacy of surrounding units and residential properties in the wider area. In addition to this, the scheme could be acceptably accessed via the existing highway network. As such, the proposal is recommended for approval subject to conditions.

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 "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. A Travel Plan which sets out proposals and targets together with a timescale, to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel shall be submitted

to and approved in writing by the Local Planning Authority within 6 months of beneficial occupation. Annual reports demonstrating progress in promoting sustainable transport measures shall be submitted on each anniversary of the date of the planning consent to the Highway Authority. The financial penalties to be applied for non-compliance with the targets set out in the Travel Plan should be agreed with the Local Planning Authority.

Reason: To ensure satisfactory provision for alternative travel modes to and from the site and use of sustainable travel in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. 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.

4. No HGV deliveries shall take place during the construction period between the hours of 07:30 am to 09:00 am and 16:30 pm to 17:30 pm on weekdays to and from the site.

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

5. 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.

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.

7. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

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

8. 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.

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 be commenced until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority. The scheme shall be reviewed by a competent third party who shall be agreed in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. 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.

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

Reason: In accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme referred to in condition 11 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. Any Validation report shall be carried out by a competent person.

Reason: In accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. 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. Any revised contamination proposals shall be carried out by a competent person.

Reason: In accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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| | | |
|------------------------|---|-------------|
| APPLICATION NO: | 16/1036/10 | (GW) |
| APPLICANT: | How Refreshing Property Development Ltd | |
| DEVELOPMENT: | The erection of 6 dwellings, parking and access road. | |
| LOCATION: | LAND ADJACENT TO CARTREF BUNGALOW, | |

HIRWAUN ROAD, HIRWAUN, ABERDARE, CF44 9HR
DATE REGISTERED: 30/09/2016
ELECTORAL DIVISION: Penywaun

RECOMMENDATION: GRANT

REASONS: The proposal would provide 6 dwellings and previously outline planning permission (15/0021) has been granted for residential development of the site and this permission could still be developed.

Visually the development would be an extension of the existing line of houses along this stretch of Hirwaun Road. The houses themselves would be of an acceptable size, scale and design.

In terms of residential amenity, the main impact would be on Cartref bungalow to the northwest. It is considered there would be little significant impact.

The development may result in the loss of some trees to the rear of the site. The Council's Countryside Section do not object as the trees are not mature enough to warrant protection.

The site was formerly used as a petrol station and the site is also in an area of former coal mining activities. It is considered the issues would be acceptable subject to a suitable site investigation and the provision of any mitigation required.

The development would provide suitable parking levels for the proposed dwellings. No objection has been raised by the Transportation Section to the proposed access.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning; because it is a full application for more than 5 dwellings.

APPLICATION DETAILS

Full planning permission is sought for the erection of 6no. semi-detached dwellings on land adjacent to Cartref Bungalow in Hirwaun. The dwellings would be arranged in pairs and in a line adjacent to the side elevation of the bungalow and between the units of the bathroom centre on the opposite side.

A new access would be provided centrally with a new access road and turning provided. Parking would be arranged to the front of plots 1 to 4. Plots 5 and 6 would have a garage and one parking space located at one end of the access road to their

fronts. Landscaping would be provided within the grass verge areas and between parking spaces.

The application is accompanied by the following:

- Design and Access Statement.
- Coal Mining Risk Assessment.
- Geo Technical Report.

SITE APPRAISAL

The application site relates to a brownfield site that was formally occupied by a petrol station. It is bounded to the north by the highway known as Hirwaun Road, to the west by a detached bungalow (Cartref) and by commercial buildings to the east which are occupied by a kitchen, bedroom and bathroom design and manufacturing company. The rear boundary of the site is enclosed by a row of semi-mature trees. The profile of the land is relatively flat and comparable to the level of Hirwaun Road and the adjacent residential property.

PLANNING HISTORY (Relevant to application)

| | | | |
|---------|--|---|------------------------------------|
| 16/0621 | Land adjacent to Cartref Bungalow, Hirwaun Road, Hirwaun, Aberdare | Discharge of Condition 3 (Site Investigations Report) of previously approved planning application 15/0021/13 - Residential Development. | Withdrawn 10/08/16 |
| 15/0021 | Land adjacent to Cartref Bungalow, Hirwaun Road, Hirwaun, Aberdare | Outline planning (all matters reserved) for residential development. | Granted 27/03/15 |
| 14/1325 | Land adjacent to Cartref Bungalow, Hirwaun Road, Hirwaun, Aberdare | Outline planning permission for residential development with parking provision and associated works | Withdrawn by Applicant 14/11/14 |
| 97/4025 | Showroom adjacent to Shell Service Station, Hirwaun Road. | Modification of condition No 5, consent 7838 | Granted 26/02/97 |
| 95/117 | Hirwaun Self Serve, Hirwaun Road, Hirwaun | Demolition of existing and erection of new sales building and jet wash etc and creation of customer parking space | Granted 12/05/95 |

PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. One letter of objection has been received. Their comments are summarised below:

- Concerned of previous subsidence and how removal of petrol tanks was carried out. Remedial works would be needed to mitigate any future problems.
- The houses have been packed onto the site and are small in size.
- The parking spaces appear to be too narrow, despite what the car shown depicts. The garage doors are also too narrow and the garages too narrow to be usable.

CONSULTATION

Coal Authority – no objection subject to a site investigation as detailed in the Coal Mining Risk Assessment.

Countryside Section – no objection. The trees look semi-mature ash and sycamore and don't have bat roost potential (too immature). They are not mature enough to be protected by a TPO, although their retention would be desirable. If they are lost it would be difficult to object due to reasons above. Any retained trees would need a root protection zone condition. From a previous site visit reptile potential was thought to be low.

Dwr Cymru/Welsh Water – no objection subject to a condition requiring that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. A public sewer crosses the site and no operational development shall be carried out within 3m either side of the centre line. Advisory notes are provided.

Flood Risk Management – no objection subject to drainage details.

Public Health and Protection – a petrol filling station formerly occupied the application site. A condition requiring a site investigation would be required and that any mitigation necessary should be carried out. An additional condition with regard any soil importation is advised.

Transportation Section – no objection. There is some concern regarding the junction radii at the access with A4059. However, as stated above the likelihood of two large vehicles coming into conflict is minimal and therefore the proposal is acceptable subject to a number of conditions. The conditions include: setting out of access, footways, turning areas and vision splays in accordance with submitted plans, engineering and design details of access including street lights surface water

drainage details, a construction method statement and surface water run-off from the proposed development not to discharge on to the public highway.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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

Policy NSA10 – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

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

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Nature Conservation

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application, Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

Other relevant policy guidance consulted:

PPW Technical Advice Note 1: Joint Housing Land Availability Studies

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development; and

Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and it is not allocated for any specific planning use. The development would provide 6 dwellings. Members are advised that outline planning permission was granted recently on the site (Ref 15/0021) and this could still be developed, subject to the approval of appropriate reserved matters.

An objection has been received as a result of the public consultation exercise detailing there are too many dwellings on the site. Six dwellings on a site of this size however results in an approximate density of 33 dwellings per hectare and conforms to the requirements of Policy NSA10. As such it is not considered this issue would warrant a refusal.

It is considered therefore that the principle of residential development of the site would be acceptable subject to the following material planning considerations, which are discussed below.

Impact on the character and appearance of the area

The area is characterised by dwellings facing the main road and set back from the front boundary. The proposal would be similarly sited and the dwellings proposed would not look significantly at odds with their surroundings. The plans indicate that some landscaping would be provided to the front of the site and trees would be retained to the rear of the site, which is considered would be particularly beneficial in screening the access and parking areas. Details of the landscaping can be obtained by a suitably worded condition if permission is granted.

The dwellings themselves would be of an acceptable design, albeit they would be larger than the bungalow adjacent. However, Members are advised, there is a mixture of dwelling sizes along this stretch of road and it is considered the difference in size would not warrant a refusal reason.

Taking into account the above, it is considered the development would have an acceptable impact on the character of the area.

Impact on residential amenity

The dwellings would generally be of a sufficient distance, from other dwellings, so as not result in any significant impact in these terms. However there would be some impact on the adjacent bungalow, which is to the northwest and in close proximity. The proposed dwelling nearest the bungalow would be taller; however it would be constructed in line with its side elevation and therefore this reduces the impact. It is also considered there would be little significant impact on sunlight reaching this dwelling, for the majority of the day, due to the position of the new dwellings to the east of Cartref bungalow.

Impact on Trees and Ecology

The development may result in the loss of some trees to the rear of the site, particularly at the rear of the most easterly dwelling where the garden is shorter. The plans however indicate some would be retained. It should also be noted that some of the trees to the rear are also outside the site boundary.

The Countryside Section detail the trees are semi-mature ash and sycamore and are considered do not have bat roost potential and are not mature enough to be TPO

able, although their retention would be desirable. They further detail it would be difficult to object if lost. Notwithstanding this, details of protection measures during construction should be submitted with regard the retained trees. The site also has a low potential for reptiles.

In summing up, it is considered there would be no significant impact on ecology or trees in developing the site and in these terms the application is considered acceptable.

Access and highway safety

The development would provide suitable parking levels for the proposed dwellings. A new access would be created to the site with turning and footway facilities. No objection has been raised by the Transportation Section and therefore in these terms the application is considered acceptable.

Land stability and former petrol station use of the site issues.

An objector details the site has suffered subsidence in the past and that the petrol tanks (related to the former petrol station on the site) needs to be remediated properly.

Members are advised, the site benefits from outline planning permission (Ref. 15/0021) and that these issues were also assessed within that application. Conditions requiring that no development takes place until site investigations are carried out and that any mitigation required being undertaken were applied to that permission.

For this application, the Council's Public Health and Protection Section detail that the conditions relating to the potential contamination from the former petrol station use are re-applied.

Turning to the impact on land stability, the site is within the defined Development High Risk Area for past coal mining works and as such the planning application is supported by a Coal Mining Risk Assessment Report. The Coal Authority have been consulted and do not object subject to a site investigation report. A condition requiring site investigations into the exact situation in respect of coal mining legacy issues, should be applied. They detail in the event that mine workings would be encountered, due consideration would be afforded to the potential risk posed to the proposed development and future occupiers. The findings of the site investigations would inform any remedial measures which may be required.

Other issues

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on the character and appearance of the area, the impact on trees and ecology, parking and highway safety and site instability and contamination (Policies AW1, AW2, AW5, AW6, AW8, AW10 and NSA12).

RECOMMENDATION: Grant

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

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

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

- 472-001A Proposed Site Plan and Section received 11th November 2016
- 472-002A Proposed Plans and Elevations received 11th November 2016
- 472-003A Proposed Site Section A-A received 11th November 2016
- 472-004 Proposed Garage and Fence received 11th November 2016

and documents received by the Local Planning Authority on 20th September 2016 and 3rd October 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. Prior to the commencement of development, a detailed site investigations/gas monitoring report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in

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

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

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site

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

5. 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.

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

development.

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

7. 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.

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 any of the dwellings are occupied. Development shall be carried out in accordance with the approved details.

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

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

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

10. 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.

11. Before the development is brought into use the means of access, together with the footway links, vision splays, parking facilities and turning facilities, shall be laid out in accordance with the submitted plan 472-001 dated 10th November 2016 and approved by the Local Planning Authority.

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

12. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 4) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

14. 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.

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APPLICATION NO: 16/1212/10 (KL)
APPLICANT: Mitchells & Butlers PLC
DEVELOPMENT: Renovation works to beer garden. Works to include new bay windows, bi-fold doors and entrance pergola.
LOCATION: THE OLD MILL HARVESTER PUBLIC HOUSE, FELINDRE ROAD, LLANHARAN, BRIDGEND, CF35 5HU
DATE REGISTERED: 10/11/2016
ELECTORAL DIVISION: Brynna

RECOMMENDATION: APPROVE

Reasons:

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

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for a number of renovation works to The Old Mill Harvester Public House, Felindre Road, Llanharan. The works would include:

- Renovation works to the existing beer garden which would result in it being extended further across the principal elevation towards the north-western side elevation. The existing timber picket fence would be replaced with new railway sleeper planters and timber post & rope boundary treatments (750mm high). More outdoor seating would be made available and would be arranged around a new central planter feature which would be constructed from railway sleepers (600mm high);
- Two existing curved bay windows on the principal elevation would be replaced with new projecting bays formed from full-height fixed aluminium glazing which would provide secondary access to the beer garden;
- The existing summer doors in the principal elevation would be removed with the existing openings being widened and a new wall being constructed to sill level. The widened opening would incorporate a new bi-fold window;
- The existing entrance doors would be replaced with new aluminium glazed doors with a new pitched-roof entrance pergola being constructed above. The pergola would measure 3 metres in width by 1.4 metres in depth with a maximum height of 4 metres from ground level. It would be constructed using timber columns and slate roof tiles;
- The existing gable feature would be re-clad with pre-finished horizontal boarding.

It is noted that any signage proposed would be subject to separate advertisement consent.

SITE APPRAISAL

The application site relates to an existing commercial property which is currently being used by the national restaurant/public house chain, 'The Harvester'. The building is accessed off Felindre Road with an associated car park to the south-west facing front and north-west facing side elevations. An existing beer garden is provided to the front elevation which provides outdoor seating for customers of the business.

It is noted that the site is in close proximity to two residential properties, 'Pentwyn Cottage' approximately 6.5 metres to the east and 'Pont Felindre' approximately 40 metres to the south-west. A 'Travelodge' hotel is located approximately 9.5 metres to the north.

PLANNING HISTORY

| | | | |
|---------|--------------------------------------|--|-----------------|
| 11/0220 | The Old Mill, Felindre Road, Pencoed | Remove an existing LPG tank and install two new LPG tanks with boundary treatment. | GTD 27/04/11 |
| 06/0014 | The Old Mill Harvester, | Retrospective advert application | GTD |

| | | | |
|---------|---|---|-----------------|
| | Felindre Road, Pencoed | for 2 illuminated hotel signs. | 12/05/06 |
| 98/2877 | The Old Mill Harvester, Felindre Road, Pencoed | 2 additional lamp-posts with floodlights to the car park | GTD 23/04/99 |
| 80/1775 | The Old Mill Harvester, Felindre Road, Pencoed | Hotel | GTD 10/03/81 |
| 79/0618 | The Old Mill Harvester, Felindre Road, Pencoed | Hotel | REF 31/07/79 |

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. No letters of objection or representation have been received as a result of this process.

CONSULTATION

Flood Risk Management – no comments received.

Natural Resources Wales – no comments made in relation to the proposal.

Public Health and Protection – no objection subject to conditions.

Transportation – no objection is raised or condition suggested.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside the defined settlement boundary for Brynna and is within a Green Wedge and a Special Landscape Area.

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

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

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

Policy SSA22 – developments which would prejudice the open nature of the land in areas identified as a Green Wedge will not be permitted in order to prevent coalescence between and within settlements.

Policy SSA23 – development within defined Special Landscape Areas should conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

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) 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;

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 located outside the defined settlement boundary in an area of open countryside that has been identified as a Special Landscape Area and a Green Wedge.

Whilst it is acknowledged that planning policy aims to primarily restrict development in the countryside (and more particularly in a Green Wedge), the application relates to a number of renovation works to an existing commercial property and it is not considered that the rural character of the surrounding countryside landscape or the

Green Wedge would be prejudiced in any way. As such, the principle of the proposed development is considered to be acceptable subject to an assessment of the following criteria:

Impact on the character and appearance of the area

Although the proposed works would result in a number of visible alterations to the principal elevation of the application property, they are considered to be relatively minor in terms of their overall visual impact on the surrounding area. The works would be completed to a high standard of design and would largely result in the modernisation of a dated facade through the provision of updated window/door openings and external finishing materials (i.e. aluminium windows/doors, railway sleepers etc). All existing features which would be retained as part of the works would be subject to some redecoration (i.e. repainting of render, repainting of timber framed windows) to ensure that the overall scheme provides a cohesive design which would enhance the overall visual appearance of the application property.

Consequently, it is not considered that the proposal would have a significant impact on the character and appearance of the existing property and the surrounding Special Landscape Area and the application would therefore comply with Policies AW5, AW6 and SSA23.

Impact on residential amenity and privacy

The application site is located in close proximity to two residential properties and it is noted that there is potential for the works to have some impact on the residential amenity and privacy of surrounding residents. However, the majority of the works would form minor alterations to the existing window openings or would be sited a reasonable distance away from the boundary (i.e. the entrance pergola) and it is not considered that the properties would experience any further overbearing, overshadowing or overlooking impact as a result of the works.

Whilst it is acknowledged that an increase in the size of the existing beer garden could potentially result in some additional noise pollution to surrounding residents, the extension would be of a minor scale and would not be sited any closer to residential properties than the existing arrangement. It is therefore not considered that the level of noise generated by the use of the extended beer garden would be significantly increased over that which already occurs.

Consequently, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of surrounding residents and would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on highway safety

The proposed extension to the existing beer garden would be sited in close proximity to the entrance to the existing 'Travelodge' to the north of the site. However, a sufficient distance of 7.3 metres would be maintained and would allow safe two-way traffic flow which is considered to be acceptable. There are no alterations proposed to the vehicular access off the public highway or to the existing car park and the Council's Transportation Section therefore raise no objection to the proposal.

Consequently, the development is considered to be acceptable in terms of its impact on highway safety and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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.

Flood Risk

The application site has been identified as being within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004), and Natural Resources Wales have therefore been consulted on the proposal. Their response indicates that the type of development proposed does not affect matters listed on their checklist and therefore have not made any comments in relation to the proposal.

The Council's Flood Risk Management Team was also consulted on the proposal however, it was noted that the proposed development would not result in an increase in the permeable area and no adverse comments were therefore received.

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 its impact on the character and appearance of the surrounding area, its impact on the residential amenity and privacy of neighbouring residential properties and its 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 plan(s) no(s):

Drawing No. 1656-P201: Proposed Plans
Drawing No. 1656-P203: Proposed Elevations

and documents received by the Local Planning Authority on 01/11/2016 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.

- 4. 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 samples so approved.

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

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APPLICATION NO: 16/1231/09 (GH)
APPLICANT: Mr Davies
DEVELOPMENT: Construction of loft conversion including dormer window to rear roof slope and two "Velux" roof lights

LOCATION: to the front elevation.
36 GOSPEL HALL TERRACE, GADLYS, ABERDARE,
CF44 8DW
DATE REGISTERED: 06/12/2016
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve

REASONS: The proposal meets all the criteria set out in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Consequently the development is lawful for planning purposes and planning permission is not required for the proposed extension. A Certificate of Lawfulness can therefore be issued.

REASON APPLICATION REPORTED TO COMMITTEE

The applicant is a serving elected member.

APPLICATION DETAILS

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD'), which seeks to establish whether the construction of a loft conversion including dormer window to rear roof slope and two "Velux" roof lights to the front elevation at 36 Gospel Hall Terrace, Gadlys, Aberdare, CF44 8DW; as detailed in the submitted plans, would be lawful for planning purposes.

In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

It is proposed that the dormer window would be installed within the north-east facing side of the roof and would be positioned centrally within the plane.

The dormer would have a maximum height of 2m, maximum projection of 2.9m, and a width of 4.3m. The plans specify that the dormer would be clad with plain anthracite coloured tiles, and the two windows within it would be of white uPVC.

Furthermore, two Velux-style windows would be fitted within the front plane of the main roof, with the plans demonstrating that these would project no further than a depth of 0.1m.

SITE APPRAISAL

The application property is a mid-terraced Victorian house, located within a residential area of Gadlys, to the north-east of Aberdare centre. The front elevation of the house is positioned immediately adjacent to the highway to the south-west and is of rendered finish with modern fenestration.

At the rear, the garden extends from the rear elevation to a depth of around 19m, with a slight fall towards the north-east, beyond which a narrow un-adopted lane serves the application site and its neighbours.

During the site visit it was clear that many if not all, of the other properties on the same side of Gospel Hall Terrace have been subject to extension work, whilst a large number of outbuildings, shed and garages were also evident when viewed from the rear lane. It was also noted that the Velux roof lights had already been installed within the front roof plane.

Neighbouring properties, which are mostly of the same size and era, are located immediately to the south-east and north-west; and by 13.4m to the south-west.

PLANNING HISTORY

There are no recent or relevant planning applications on record associated with this property.

PUBLICITY

The application seeks the determination of whether the proposed operations are lawful and no consultation with nearby properties is therefore required to be undertaken.

CONSULTATION

No representations have been received within the statutory period.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case and there are therefore no Local Development Plan policies that need to be taken into account.

National Guidance

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate.'

Paragraph 8.26 states that if the Local Planning Authority are supplied with information satisfying them that the use or operations described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a Local Planning Authority granted under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant 'use class' where appropriate), and give the reason why the proposal would be lawful.

REASONS FOR REACHING THE RECOMMENDATION

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act ('CLOPUD') that seeks to establish whether the extension as detailed in the submitted plans, would be lawful for planning purposes. In effect, the application seeks to establish whether or not the proposal is 'permitted development' and therefore capable of being carried out without the need for planning permission.

With relevance to this case, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 states that the following development is permitted:

'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof'

Class B then goes on to list the various criteria to be met by development in order to constitute permitted development. This proposal for the construction of a loft conversion including dormer window to rear roof slope and two "Velux" roof lights to the front elevation at 36 Gospel Hall Terrace, Gadlys, Aberdare, CF44 8DW meets all of the relevant criteria set out in Class B.

Consequently, the proposed works are permitted development and planning permission is not required.

Conclusion

The proposal meets all of the criteria set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Consequently the development is lawful for planning purposes and planning permission is not required. A Certificate of Lawfulness can therefore be issued for this proposal.

RECOMMENDATION: Grant

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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

5 JANUARY 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File