

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-2017:**

**DEVELOPMENT CONTROL  
COMMITTEE  
16 FEBRUARY 2017**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	Agenda Item No. 6
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**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: 16/0711 - Two detached houses off a private lane drive together with upgrading of Parish Road (re-submission of 15/1336/13) (Coal Mining Risk Assessment received 09/01/17) (amended site layout and access plans received 30/11/16), land rear of Oaklands Bungalow, Werfa Lane, Aber-Nant, Aberdare.
2. Application No: 16/0771 - Proposed residential development, with new local convenience store, car parking and access (Revised Plans and Reports Received). Revised Plans (site plan, walk up flats, site sections, letter regarding pedestrian access link and boundary treatment statement received 26/01/2017, former Hirwaun Nursery School, Hirwaun, Aberdare.
3. Application No: 16/0808 - Full consent is sought for the construction of 19 dwellings on the site, together with the infrastructure associated with the development (revised plans received 10/10/16), land adjacent to Rhigos Post Office, Heol Pendarren, Rhigos, Hirwaun.
4. Application No: 16/1125 - Construction of two storey detached dwelling (re-submission of application ref. 16/0074/13), land to rear of Tirfounder Road, Cwmbach, Aberdare.
5. Application No: 16/1240 - 2 No Dwellings, land adjacent to Ginger Bread House Nursery, Maes Hyfryd, Cwmbach, Aberdare.

## **APPLICATIONS RECOMMENDED FOR APPROVAL**

**APPLICATION NO:** 16/0711/13 (MF)  
**APPLICANT:** Mr Gabriel Servini  
**DEVELOPMENT:** Two detached houses off a private lane drive together with upgrading of Parish Road (re-submission of 15/1336/13) (Coal Mining Risk Assessment received 09/01/17) (amended site layout and access plans received 30/11/16).  
**LOCATION:** LAND REAR OF OAKLANDS BUNGALOW, WERFA LANE, ABER-NANT, ABERDARE, CF44 0YS  
**DATE REGISTERED:** 30/11/2016  
**ELECTORAL DIVISION:** Aberdare East

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**RECOMMENDATION:** Approve

**REASONS:** The principle of residential development at the site is acceptable. Further, it is considered that the site is capable of accommodating two carefully designed dwellings that would not result in a significant impact upon the character and appearance of the surrounding area, the amenity and privacy of the neighbouring properties, or upon highway safety in the vicinity of the site.

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### **APPLICATION DETAILS**

Outline planning permission is sought for the erection of 2 no. detached dwellings on a parcel of land to the north-east of Oaklands Bungalow, Abernant. The application seeks consent for the principle of the development along with access. All other matters (appearance, landscaping, layout and scale) are reserved for future consideration.

An indicative site layout plan has been submitted with the application that indicates two detached dwellings would be located at the centre of the site with parking and turning areas to the front and garden areas to the rear. Whilst siting, scale and appearance are matters reserved for future consideration, it has been indicated that the dwellings would be within the following scale ranges:

- Width: minimum 12 metres – maximum 20 metres.
- Depth: minimum 7.5 metres – maximum 12 metres.
- Height: minimum 7.5 metres – maximum 10.5 metres

Access is proposed off Parish Road to the north of the site via a private lane that would run to the rear of the existing dwellings along Werfa Lane. The applicant also

proposes to bring the section of Parish Road from the junction with Werfa Lane to the site entrance up to adoptable standards as part of the development.

The application is accompanied by the following:

- Coal Mining Risk Assessment;
- Reptile Survey;
- Preliminarily Ecological Appraisal;
- Japanese Knotweed Survey Report.

## **SITE APPRAISAL**

The application site forms a vacant parcel of land located directly to the rear of Oaklands Bungalow, Werfa Lane. The site is roughly rectangular in shape, amounting to approximately 0.25 hectares, and is level throughout. The plot has been cleared but is enclosed on all sides by mature vegetation beyond which is dense woodland to the north, the rear gardens of Oaklands Bungalow and 1 Werfa Lane to the south and west respectively, and a private access that leads to Nantgwyn Farm to the east. Whilst the site itself is relatively flat, the locality forms a valley hillside falling from north-east to south-west. Consequently the plot is located at a considerably higher level than the adjacent properties to the south-west and south-east.

The surrounding properties vary in design and scale being a mixture of large detached two-storey dwellings and bungalows sited within considerable plots.

## **PLANNING HISTORY**

Previous planning applications submitted at the application site:

15/1336	Land rear of Oaklands Bungalow, Abernant	Outline application for two detached dwellings	Refused 10/12/15
14/1181		Outline application for two dwellings	Withdrawn 27/01/15

## **PUBLICITY**

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

- A culvert runs under the south western area of the site which discharges into the rear amenity space of Oaklands Bungalow. There is already a considerable flow, especially during high rainfall. Concerns that any increased volume of discharge could flood the curtilage of Oaklands Bungalow and the adjacent highway, Werfa Lane, threatening their integrity.

- No detail of any proposed engineering or retaining works to the bank that forms the boundary between the site and Oaklands Bungalow has been submitted. It is inevitable that works would have to be undertaken to the bank which may impact upon the adjacent property.
- The application site is located at a considerably higher level than the adjacent Oaklands Bungalow. As such any dwelling at the application site would overlook Oaklands Bungalow. If the application is approved, appropriate screening should be erected between the sites.
- The application site is Greenfield, as such no development should be allowed. It may set an unwanted precedent for similar development in the locality spoiling the rural nature of the area.
- The proposed dwellings would increase traffic along the substandard Parish Road and the unadopted track to the rear of the dwellings along Werfa Lane having a detrimental impact upon highway safety in the area and resulting in noise and disturbance to existing residents.
- The private access off Parish Road is not acceptable to accommodate the traffic associated with the development of the proposed dwellings or the daily movements of the residents of the resulting dwellings.
- The current drainage system in the area would not be able to cope with the additional dwellings.

## **CONSULTATION**

Transportation Section – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection, subject to condition.

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

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

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

Coal Authority – no objection, subject to condition.

South Wales Fire and Rescue Service – no objection.

Natural Resources Wales – no objection.

Wales and West Utilities – no objection.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

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

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

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

**Policy AW4** – details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

**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** – states that Rhondda Cynon Taf's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

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

### **Supplementary Planning Guidance**

- Design and Placemaking;
- Nature Conservation;
- 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 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Principle of the Proposed Development**

The application seeks outline planning permission for the construction of two detached dwellings along with access. All other matters are reserved for future consideration. It is noted that a previous application at the site (15/1336/13) was refused due to the proposed access being inadequate and a lack of information in respect of ecology. This is a resubmission of the previous scheme whereby the applicant has submitted updated plans in respect of the proposed access and a number of ecology reports to overcome those issues.

The application site is unallocated and located within the defined settlement boundary where the principle of development is considered acceptable, subject to compliance with other policies within the Local Development Plan and relevant material considerations. Therefore, whilst the comments made by an objector in respect of the land being Greenfield and the proposal setting an unwanted precedent for similar development in the locality are acknowledged, it is considered that, in principle, the proposed development is acceptable subject to an assessment of the criteria set out below.

### **Highway Safety**

Following initial consultation a number of objections were raised by the Transportation Section in respect of the potential impact of the development upon pedestrian and highway safety in the vicinity of the site. It was commented that the application site is served off Parish Road which is sub-standard in terms of width for safe two-way vehicular movement, visibility with the junction of Abernant Road/Werfa Lane, lack of segregated footway facilities, sub-standard surface water drainage, street lighting, turning area and structural integrity to serve the increase in vehicular and pedestrian traffic generated by the proposed development.

In light of these concerns the applicant submitted amended plans on 30/11/16 that propose the upgrade of Parish Road to provide a 1.2 metre wide footway, carriageway widened to 4.8 metres for the majority of its length with 3 no. 5.5 metre passing bays, and a full size turning area and junction plateau at the junction of Abernant Road, Parish Road and Werfa Lane. The Transportation Section subsequently consider this aspect of the scheme acceptable, it was however noted that no street lighting is detailed on the amended plans but that this concern could be overcome by way of condition.

The Transportation Section also had some concern with regard the private shared access to the rear of the dwellings along Werfa Lane, specifically with the visibility

splays on to Parish Road which are substandard. However, it was noted that taking into account the limited existing vehicular movement using Parish Road and the limited additional traffic generated by two proposed dwellings with all vehicular access from the site in forward gear, on balance, the visibility is acceptable. It was also noted that the private shared access is suitable in respect of width, passing bays and turning for delivery and emergency vehicles.

In conclusion, in light of the above highways assessment, whilst it is accepted that Parish Road leading to the proposed site is currently sub-standard in a number of respects, the developer has acknowledged these concerns and will provide the necessary improvements to overcome them which is acceptable. Further, whilst there is some concern with regards the sub-standard visibility from the proposed shared access onto Parish Road, taking into account the local context with limited vehicular movements and limited movements generated by the proposed, on balance, the proposal is acceptable in respect of its potential impact upon highway safety, subject to the conditions detailed below.

## **Ecology**

As previously detailed, one of the reasons the preceding application was refused was due to a lack of information in respect of the potential impact upon ecology on and around the site. In light of this issue the applicant has submitted a number of ecological reports with the current submission.

The relevant reports detail that the site is a small wet area surrounded by gardens and scrubby woodland and whilst the marshy grassland areas are of local floristic value, they are small and unmanaged and would not reach SINC value. Further, whilst there is scrubby wet woodland re-growth on site, again this is less than SINC value. They also detailed that a very small number of common lizard and grass snake were found and there is some concern regarding nesting birds and lighting impacts on bats. Consequently a number of mitigation measures would be required. Finally it is detailed that the adjacent woodland areas do not appear to support mature trees and are more indicative of overgrown gardens/disturbed ground and as such the proposed development would not compromise any adjacent trees.

Subsequently the Councils Ecologist commented that the ecological value of the site appears to be local rather than SINC or higher and whilst some animals were identified, given the small number, no objections are raised and the scheme is considered acceptable. This is however subject to a condition being added to any consent ensuring the mitigation measures detailed in the relevant reports are implemented on site.

Therefore, in light of the above assessment, the application is considered acceptable in this regard.

## **Visual Impact**

The appearance, landscaping, layout and scale of the scheme are reserved for future consideration and would be within the control of the Local Authority. This would therefore allow the Council to reject schemes that would have an adverse

impact in these respects. However, having regard to the size of the site and its environs, it is considered that the site is capable of accommodating two carefully designed dwellings that would not result in a detrimental impact upon the character and appearance of the surrounding area. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at reserved matters stage.

### **Residential Amenity**

As set out above, the site is located within close proximity of a number of established residential dwellings and it is therefore important that the privacy and amenity of existing neighbouring residents is safeguarded.

Whilst matters relating to the layout, scale and appearance of the proposed dwellings are reserved for future consideration, it is acknowledged that there would inevitably be a degree of impact upon the amenity and privacy of the adjacent dwellings, especially given the difference in ground levels between the site and the adjacent properties. In light of this the applicant has identified that the maximum footprint and height of the proposed dwellings would be similar to that of the adjacent properties along Werfa Lane. As such, it is considered that at this scale, it would be possible to develop the plot without resulting in an unacceptable impact upon the amenity or privacy of the residents of the closest neighbouring properties. Further, a condition could be added to any consent to ensure that adequate screening is erected along the boundaries of the site reducing any potential impact. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at reserved matters stage.

### **Drainage**

An objector has detailed that the development of the land could result in a detrimental impact upon the existing culvert that runs through the site; that surface water issues could potentially flood the adjacent properties; and that the existing sewerage network in the area might not be able to cope with the extra flow of two dwellings. Whilst it is acknowledged that the surrounding area is steep and hard surfacing of the land could potentially increase surface water run-off towards the adjacent properties, consultation has been undertaken with the Council's Land Reclamation and Engineering Section, Natural Resources Wales and Dwr Cymru Welsh Water with a view to assessing any potential impacts upon land drainage and foul sewerage respectively. Their responses raise no objection to the planning application subject to standard conditions and advice.

Subsequently, whilst full drainage details have not been submitted with the application, it is considered that adequate drainage could be installed on site without having a detrimental impact upon the adjacent neighbours or surrounding locality and a standard condition is suggested requiring no works start on site until the full drainage details have been submitted to and approved by the Local Planning Authority.

### **Historic Mining Activities**

The application site lies within the defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Coal Mining Risk Assessment (CMRA) report was submitted with the application and consultation with the Coal Authority was undertaken.

The Coal Authority commented that the CMRA submitted with the application was acceptable subject to the applicant complying with the recommendations made within it. They noted that the coal legacy at the site potentially poses a risk to any proposed development and that intrusive site investigation works should be undertaken prior to any works starting on site in order to establish the exact situation. As such, no objections are raised in this respect subject to a condition being added to any consent requiring the relevant site investigation works be undertaken prior to any development taking place on site.

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division in respect of the application, they did however suggest a number of conditions be attached to any consent in relation noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient in this instance.

### **Other Issues**

It is noted that an objector has commented that no detail of any proposed engineering or retaining works to the bank that forms the boundary between the site and the adjacent Oaklands Bungalow has been submitted. Whilst it is acknowledged that some works may be required to the bank to ensure that the site is stable and there is no impact upon the adjacent dwelling, as the application seeks outline consent along with access only, the submitted site layout plans are indicative only and applicant is not required to submit these details at this stage. Instead this issue will be fully considered in future should any reserved matters or full application be submitted. It is noted however that the site is considered to be large enough to accommodate any necessary engineering works without having a detrimental impact upon the adjacent property.

### **Community Infrastructure Levy Liability**

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

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

### **Conclusion**

The development in principle is acceptable and it is considered that the site is capable of accommodating two carefully designed dwellings that would not result in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of the surrounding properties. Furthermore, there would be no undue impact upon highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

**RECOMMENDATION: Grant**

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

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

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. 2503 NB and 2503 NB 02 and documents received by the Local Planning Authority on 27/06/16 and 30/11/16, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

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

accordance with the approved plans.

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

5. Development shall not commence until full engineering design and details of the road layout including longitudinal and cross sections; street lighting details, surface-water drainage details, culverting of water course pedestrian footway and traffic calming measures have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to works commencing on site.

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

6. No development shall commence, 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 washing 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 pedestrian and highway safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. 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 the dwelling is occupied. Development shall be carried out in accordance with the approved details.

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

8. No development shall commence until there has been submitted to and approved by the Local Planning Authority, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection

in 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.

9. 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 of that phase, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development of that phase 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.

10. As agreed in a landscaping scheme, no trees, shrubs or hedges shall be felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

11. No development shall commence 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:

- 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;
- 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.

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

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

13. Prior to commencement of development, details of a scheme of intrusive site investigations shall be 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.

14. The development hereby permitted shall not be brought in to beneficial use until the measures approved in the intrusive site investigation scheme have been implemented and a suitable validation report of the proposed investigations and any necessary remedial works has been submitted to and approved in writing by the Local Planning Authority. Any necessary remedial works shall be implemented in accordance with the relevant report prior to commencement of any development works in relation to the stand structure.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

15. Prior to the development being brought into use the private shared access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 2503 NB and constructed in permanent material for at least the first 20m. The approved details shall be implemented prior to beneficial occupation. The turning area shall not thereafter be used for any purpose other than the turning of vehicles.

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

16. Prior to the development being brought into use, a bin storage area shall be provided at the access of the private shared access in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

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

17. Prior to the development being brought into use, details of the gates set back a minimum of 10m shall be provided at the access of the private shared access shall be provided in accordance with details to be submitted to and approved in writing by the Local planning Authority prior to any development on site commencing.

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

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<b>APPLICATION NO:</b>	<b>16/0771/10 (JAW)</b>
<b>APPLICANT:</b>	<b>Rhondda Housing c/o Agent</b>
<b>DEVELOPMENT:</b>	Proposed residential development, with new local convenience store, car parking and access (Revised Plans and Reports Received). Revised Plans (site plan, walk up flats, site sections, letter regarding pedestrian access link and boundary treatment statement received 26/01/2017).
<b>LOCATION:</b>	<b>FORMER HIRWAUN NURSERY SCHOOL, HIRWAUN, ABERDARE, CF44 9NN</b>
<b>DATE REGISTERED:</b>	<b>15/07/2016</b>
<b>ELECTORAL DIVISION:</b>	<b>Hirwaun</b>

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**RECOMMENDATION: Approve**

**REASONS:** The site is located within the settlement boundary identified in the Local Development Plan and would beneficially deliver social housing in the Hirwaun area. It would also bring a replacement and improved shopping facility for the 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.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The application is not covered by determination powers delegated to the Service Director Planning, as it includes residential development of more than five dwellings and three or more letters of objection have been received.

## **APPLICATION DETAILS**

This is an application for full planning permission for residential development, a new local convenience store (A1 use class), car parking and access.

The housing will comprise:-

- 8 no. 1 bedroom walk up flats
- 1 no. 2 bedroom adapted bungalow
- 2 no 3 bedroom dwellings
- 1 no 4 bedroom dwelling

Units 1-3 will comprise three private 2-storey detached houses located along the site frontage. Two parking spaces are provided for each unit which will be accessed from within the site.

Units 5-12 will be located at the rear of the site and comprise 1-bedroom walk-up flats located in 4 2-storey buildings, with a communal garden and 1-parking space per flat.

Unit 4 an affordable and adapted bungalow will be located at the rear of the site and have two dedicated parking spaces to the front of the bungalow. A visitor/disabled parking space will also be provided.

The convenience store will front onto Brecon Road with a gross floor area of 466 sqm. The store will be rectangular in shape, part single and part two storeys in design, with a flat roof. The layout will comprise a 279m<sup>2</sup> retail sales area on the ground floor, with a delivery holding area and refuse store located towards the rear of the building. The first floor will comprise a bakery, office, staff room and toilet. Air conditioning and air condensing units will be located on the flat roof; a parapet wall will assist in restricting views of these units. A trolley bay and cash machine will be located at the front elevation of the unit. The store will have 14 parking spaces for customers, two of which will be disabled friendly and two spaces will be utilised as an intermittent loading bay. A cycle store for 12 bicycles will also be provided.

A new access road will be constructed at the centre of the site accessed from Brecon Road that will provide vehicular access to the parking spaces for the dwellings and convenience store and for the servicing of the store.

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

- Planning Statement;
- Design and Access Statement;
- Noise Impact Assessment
- Transport Statement
- Drainage Strategy

- Geo Technical and Geo Environmental Report

## **SITE APPRAISAL**

The site was formerly occupied by Hirwaun Nursery School, which closed in 2005. The site is roughly rectangular in shape, measures 4003 sqm and has a frontage of 74 metres along Brecon Road. It has a narrow strip of land, which in the past provided pedestrian access from the rear of the site through to High Street/Heol Uchel. The boundary line with adjoining properties is clear and well defined by a stone wall along the entire perimeter. The difference between the highest and lowest points of the site is 2.75m, the highest point being at the centre of the plot.

The surrounding area is predominantly residential in character with residential and retail/residential uses sharing a boundary with three sides of the site. Opposite the site frontage there is a junction which exits onto Brecon Road (one way) from Foundry Road, either side of the junction there is a takeaway and residential properties.

## **PLANNING HISTORY**

There is no planning history in relation to this site.

## **PUBLICITY**

The application has been advertised by means of a press notice, site notices and neighbour notification letters. 15 letters of objection (2 being second letters from the same resident) have been submitted raising the following issues:

### Parking, traffic, highway and pedestrian safety

Access is located opposite a junction which is already a blind spot due to parked vehicles.

- Already a very busy street with limited parking, the street gets blocked on a regular basis with double parking taking place. An example being a fire engine could not get through the top end of the street because the owner of the car could not be contacted.
- Insufficient parking being provided for the convenience store which will make the existing parking problem worse. Blocking the access path will be a disincentive for anyone wishing to park behind the library on High Street, again increasing traffic on Brecon Road. Also concern parking from the three private dwellings will take place on Brecon Road.
- Convenience store will be serviced by a large HGV which will block the free flow of traffic on Brecon Road which is a bus route and carries a significant amount of traffic.

### Residential amenity

- Loss of privacy to kitchen window and porch at Maes y Garreg. Require bungalows to be repositioned so that privacy is maintained.
- Unit 5 will dominate 'Rowancroft' which is approximately 9 feet below the site reducing light and directly overlooking lounge window.

- Inconvenience of opening and closing times, plus deliveries often made at unsocial hours which will have a major impact on local residents in terms of noise and disturbance.

#### Visual Impact

- The style of buildings is not in harmony with the area which is full of terraced housing.

#### Other issues

- Objection to one-bedroom flats already buildings of this type in the area not being used in the way they should be.
- Extremely concerned the existing access to the site will be left to degenerate. This access has not been maintained since the school was closed which is now overgrown with trees and wild shrubs. The boundary walls with the adjoining dwellings require maintaining as the roots of the trees and shrubs will undermine the boundary walls in due course. This area will become a dumping ground if not maintained.
- Insufficient consultation has taken place with local residents.
- This land was given to the village for a school. It was not built by the Council but they were very quick to demolish it and sell off what should always be an area of land of public benefit to the village. Hirwaun is increasing in size and the present school is far too close to the Heads of the Valley Road. This site would be much better for future use as a school.

Hirwaun Community Council have also commented on the application. They support the application and welcome the fact that the Co-op will be moving to the site and feel that it will be of benefit to the village, but wish to make the following comments:

- Do not wish to see another retail store in the old co-op.
- Suggest the retail store is moved to one side to avoid having to drive around the site to park and to make maximum use of the space available for parking.
- Concern whether there is enough parking spaces proposed for the retail store.
- The old school access should be opened up to the public.
- Concern about congestion at the Brecon Road entrance.

A comment has also been received from a local resident that the accommodation would be a welcome addition to a tract of waste land.

At the time of writing this report a further consultation has been undertaken with local residents. Any replies received will be reported orally to Committee.

### **CONSULTATION**

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions.

Housing Strategy – advises that the unit and tenure mix are in accord with the Local Market Assessment 2014/15 and satisfies Policy NSA11 of the Local Development Plan.

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

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

Wales and West Utilities – provides information 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 - no response received within the statutory consultation period.

Structural Engineer – no objection.

Countryside Section – advises that any bushes should be removed outside the bird nesting season.

South Wales Police – raise concerns should the walkway between the site and High Street/Heol Uchel be opened up.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is located within the settlement boundary of Hirwaun and is not allocated for any specific use.

**Policy CS1** – emphasises building strong, sustainable communities in the Northern Strategy Area, to be achieved partly by promoting development in key settlements (1) and partly by promoting the re-use of previously developed land (3).

**Policy CS4** defines housing land requirements

**Policy CS5** requires provision of affordable housing

**Policy AW1** defines the housing land supply, to be met partly by development of unallocated land in key settlements (3)

**Policy AW2** – promotes development in sustainable locations, which includes: sites that accord with policy NSA12 (settlement boundaries) (1), sites with good accessibility via a range of sustainable transport modes (3), sites that have good access to key services and facilities (4) and sites that support the roles and functions of key settlements (6).

**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 AW10** - development proposals must overcome any harm to public health, the environment or local amenity including noise pollution.

**Policy NSA10** – seeks a minimum housing density of 30 dwellings per hectare and gives criteria for accepting lower densities.

**Policy NSA11** – seeks the provision of 10% affordable housing on residential development of 10 dwellings or more.

**Policy NSA12** – gives criteria for housing development within settlement boundaries.

### **National Guidance**

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

### **Planning Policy Wales**

Chapter 3 (Making and Enforcing Planning Decisions),  
Chapter 4 (Planning for Sustainability),  
Chapter 7 (Economic Development),  
Chapter 8 (Transport),  
Chapter 9 (Housing),  
Chapter 10 (Planning for Retail and Town Centres),  
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 4: Retailing and Town Centres;  
PPW Technical Advice Note 11: Noise;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets.

### **Relevant Supplementary Planning Guidance**

- Design & Placemaking
- Affordable Housing
- Planning Obligations
- Access Circulation & Parking requirements
- Flats.

### **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.

In the determination of this particular case, the planning policy position, amenity considerations, environmental considerations, highway considerations and the retail impact of the proposal are considered the key determining factors, and these matters are dealt with in turn below as the main issues impacting the determination of this application.

## **Main Issues:**

### **The planning policy position**

The site is sustainably located within a key settlement close to the retail centre of Hirwaun and has good non-car connections to employment areas in Hirwaun and the facilities of Aberdare. As such the proposal can be considered compliant with the requirements of policies CS1, AW1, AW2 and NSA12. Additionally the fact that the proposed development will also deliver affordable housing supports the requirements and objectives of policies AW1, CS5 and NSA11.

The 2016 housing land availability study shows that the 2016 land supply is in shortfall at 1.5 years. The development would therefore make a very small but useful contribution to the land supply.

### **Retail Impact Considerations**

The proposed 'convenience store' comprises a retail unit with a new sales area of 279 sqm. The site is detached from the existing retail centre of Hirwaun; however, High Street is already connected by Cross Street to Brecon Road only a short walk away. The proposal seeks consent for neighbourhood scale retail provision that would fall well below the threshold for formal impact assessment. There are no known sites closer to the retail centre that would be suitable and available for the proposed retail store. In this case the applicant has advised that for the deliverability of the affordable housing to be financially viable 'it is necessary to include an element of retail development along the site frontage. The Co-op trade currently from a unit at 62a Tramway, to the south of the application site. This store is small and its physical constraints, lack of dedicated servicing and parking provision mean that it is no longer suited to Co-op's operational requirements'. The proposed development would therefore ensure that an existing facility close to the retail centre of Hirwaun is maintained/improved and the small scale A1 use proposed is not considered a threat to the existing centre of Hirwaun. The proposed 'convenience store' would therefore accord with the provisions of the Local Development Plan.

### **Impact on Residential Amenity**

Three sides of the site have boundaries with residential properties (some a mixed commercial residential use) which are located in close proximity to the application site. 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 and cleared for some time.

The concern from the occupiers of 'Maes Y Gareg' relating to loss of privacy to the porch and kitchen window and 'Rowancroft' relating to proposed unit 5 dominating Rowancroft and overlooking the lounge window are noted. These concerns relate to the originally submitted scheme which proposed two bungalows adjacent to the boundaries with these dormer bungalows. Following negotiations with the developer the two bungalows were reduced to one and located further from the site boundary with 'Rowancroft'. The proposed bungalow has no windows in the elevation facing 'Maes Y Gareg' and will be positioned 12.5m (nearest point) from 'Rowancroft'. The proposal is also to raise the boundary treatment with these dwellings, which is currently the original school wall to a 1.8m high from the finished ground level of the application site. It is considered that the amended scheme addresses the concerns raised above by the occupiers of 'Maes Y Garreg' and 'Rowancroft'. Some concern remains relating to the patio door serving the living room in the proposed bungalow being located 16.8m from the dormer bedroom window in 'Rowancroft', which is set at a slightly raised position. Due to the position of the dormer window and patio doors not being directly opposite each other, it is considered that the degree of overlooking is, on balance, acceptable and would not result in an unacceptable degree of overlooking or loss of privacy.

The one bedroom units 11 and 12 will be located at its nearest point 12m from the rear elevation of the bungalow 'Groesffordd'. The boundary treatment with 'Groesffordd' will prevent overlooking from the windows in the ground floor unit 11; however, concern was raised with the developer with regards to potential overlooking from the first floor bedroom window at unit 12 to the rear bedroom window and garden at 'Groesffordd'. Following negotiations an 'Oriel' designed window, comprising a projecting window with a blank side where it faces 'Groesffordd' is proposed that will prevent overlooking to the bedroom window and garden at 'Groesffordd'.

Concerns have been raised with regards to the impact of the proposed development on occupiers of nearby dwellings in terms of noise and disturbance, including the opening and closing time of the store and deliveries being made at unsociable hours. The proposed opening times of the retail unit will be 6:00 to 10:00 daily. The Council's Public Health and Protection Section has raised no objection to the proposed opening hours which is in line with the existing store that is located in a predominantly residential area and in line with co-op's opening hours generally. It is not considered that the proposed opening hours of the store would cause an unacceptable degree of noise and disturbance to neighbouring dwellings. In terms of deliveries being undertaken at unsociable hours the Council's Public Health and Protection Section has recommended a condition to restrict delivery times to between 7:00am to 7:00 pm Mondays to Saturdays, with no deliveries on Sundays or Public Holidays.

It is for the above reasons that it is considered that the development is acceptable in terms of its impact on neighbouring residential amenity and is compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **Impact on the Character and Appearance of the area**

The concern that the style of buildings is not in harmony with the area which is full of terraced housing is noted. The area surrounding the application site includes terraced dwellings, detached dwellings, bungalows and dormer bungalows, with a range of external finishes. The proposed development comprises a bungalow and 8 1-bed units erected in a block of four two storey buildings located towards the rear of the site and 3 detached two storey dwellings and a part single/part two storey retail unit located along the site frontage. It is considered that the proposed development would be appropriate to the local context in terms of mix of residential units and the height and design of both the residential units and the retail unit. It is therefore considered that the proposed development would be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Local Development Plan.

## **Highway Considerations**

The concerns of local residents relating to highway safety and parking as set out under the heading publicity earlier in the report are acknowledged.

The Transportation 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 parking, highway and pedestrian safety, turning area for access/egress in forward gear for all vehicles anticipated using the cul-de-sac.

The proposed new vehicular access onto Brecon Road is served via a 6.0m carriageway, 6.0m junction radii, 2.0m footway on the convenience store side of the development and a 1.8m footway on the residential side and turning area for shared use between the residential and commercial uses.

There is some concern with the lack of a dedicated parking bay for HGV delivery vehicle with a shared use for parking spaces 13 and 14. However, as this area will be in the control of the applicant, although not ideal, the applicant will be able to control the use of spaces 13 and 14 on delivery days.

Swept Path analysis has been submitted and included in the Transport Statement which shows access / egress in forward gear by waste recycling vehicle and a 10.0m delivery vehicle. There is concern that the proposed convenience store will be serviced by a large HGV (16.5m) vehicle. However, the applicant has stated that the largest vehicle to deliver to the convenience store will be a 10.7m rigid vehicle. To control the size of vehicle a condition of permission is recommended to limit the size of delivery vehicles to 10.7metres in length; such a condition has been used with other similar development in Rhondda Cynon Taf.

The required visibility splays for a 30Mph speed limit in accordance with TAN 18 is 2.4m x 40m. The access as proposed is in excess of 2.4m x 40m and is therefore acceptable.

The proposal provides for 16 residential off-street car parking spaces with 1 visitor space. Taking into account the proposal provides for a minimum of 2 spaces for the dwellings and 1 space per apartment and 1 visitor space the residential car parking is acceptable.

The retail unit requires up-to a maximum of 1 space per 20m<sup>2</sup> GFA and 2 commercial vehicular parking spaces taking the maximum required to 23 car parking spaces and 2 commercial spaces. The proposal provides for 14<sup>no</sup> retail spaces 2 of which are to be used as delivery parking bays intermittently.

The applicant has submitted in the transport statement evidence based on TRICS analysis that indicates that only 12 spaces will be occupied at peak times. Although there is some concern regarding the shortfall in the maximum standards taking into account the proposal is in the heart of the community where-by a number of trips will take place on foot and the TRICS evidence submitted on-balance the car parking is acceptable.

There is concern that due to the shortfall in the maximum parking standards for the retail unit (9 spaces) customers and deliveries would park along the site frontage (Brecon Road) and the new proposed access road to the detriment of the safety of all highway users and free flow of traffic. Should vehicles park to the front along Brecon Road then vehicles exiting the junction opposite would be forced to turn into a single lane carriageway into the path of on-coming traffic due to on-street car parking with sub-standard visibility to the detriment of safety of all highway users.

In order to mitigate such adverse impact double yellow lines with a no loading restriction should be implemented along the site frontage and both sides of the proposed access and alteration to the resident parking opposite to increase visibility which can be undertaken under the same TRO, the cost of the Traffic Regulation Order will be in the region of £5,000. A condition of permission is recommended to address this requirement.

It is therefore considered that subject to conditions the proposed development is, on balance, 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, though were not the key determining factors in reaching the recommendation.

#### **The existing access lane between the site and High Street**

The request from the Community Council and residents that the access between the application site and High Street is reopened is acknowledged. As part of negotiations between the developer and officers amended plans were received that proposed to re-open the access to provide an improved link between the application site (in particular the convenience store) and the village centre and library car park. However, following consultation in respect of the proposal to re-open the footpath

access South Wales Police has advised that their previous comments when no objection was raised have changed. They advise that the opening of the footpath which connects the site with High Street/Heol Uchel would not reach the required criteria to achieve Secured by Design. The developer having reviewed the comments from South Wales Police has further revised the scheme to keep this access footpath closed. They point out that affordable housing developments must comply with Secure by Design to ensure grant funding is secured and are therefore obliged to follow the advice given by South Wales Police and leave the footpath access closed. Although officers would prefer to see the access re-opened to provide a pedestrian link to the village centre, the concerns of South Wales Police and the developer's position are acknowledged. It is considered that keeping this footpath access closed would not be reason to warrant the refusal of this application and note as South Wales Police point out that there are existing connections between Brecon Road and High Street/Heol Uchel only a short walk away via Cross Street and Harris Street.

The concern that this footpath access has become overgrown and unsightly and will be left to degenerate is acknowledged. The developer has advised that as part of their works on site they will 'ensure the access footpath is cleared and secured and will be maintained as part of Rhondda Housing Association's site maintenance programme'.

#### Drainage

Dwr Cymru/Welsh Water has advised that the proposed development would overload the existing sewerage system. However, as part of their current capital programme improvements are planned for completion by 31<sup>st</sup> March 2017, which will overcome the issues on the public sewerage network and create capacity for the foul flows deriving from the application site. Due the date of the completion of the improvements, that is, 31<sup>st</sup> March it is not considered that any condition is necessary to prevent occupation of any buildings until the improvements have taken place.

#### Noise from retail unit

A noise impact assessment prepared by KR Associates has been received which considers whether i) the proposed commercial development will have an acceptable impact on the existing residential dwellings on Brecon Road, ii) the impact of cars parking along the boundary with the adjoining dwelling, 80 Brecon Road and iii) the impact of the existing roads on the proposed residential development.

The report concludes that the resultant noise levels from the proposed commercial unit, including the noise from the air conditioning and air condensing units located on the roof of the unit would not have a demonstrable harm or significant adverse impact in terms of noise.

The report recommends that due to ten parking spaces for the retail unit being located along the boundary with No 80 Brecon Road that a 2.4m high solid timber fence be constructed along the site boundary to ensure that noise generated by cars using these parking spaces do not have a significant impact on the residential amenities of the occupiers of this dwelling.

The report concludes that the internal noise levels within the dwellings will be acceptable and complies with British standards.

The Council's Public Health and Protection Section has advised that the contents of the report are acceptable and all recommendations within the report should be implemented by the developer.

#### Site Investigation

The site lies within 250m of a landfill site and therefore there is a potential for contamination to exist on site. A Geotechnical/Geoenviromental report prepared by Terrafirma has been received to address this concern. The Council's Structural Engineer has advised that the findings of report are acceptable and recommends conventional strip/trench fill foundations. At the time of writing this report the comments from the Council's Contaminated Land Officer regarding the contents of the report are awaited. A condition of permission is therefore recommended to address this matter.

#### Public Health and Protection

The Council's Public Health and Protection Section has 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 during construction, 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 not addressed earlier in the report

- The Community Council has expressed a preference that they do not wish to see the existing Co-op as another retail store. It is acknowledged that the existing store can be converted to another A1 use without planning permission; however, it is unlikely due to competition between uses that the Co-op would sell the existing property for use as another retail store.
- There is no evidence that existing one-bedroom flats are causing a problem to the area and there is a proven demand for this type of dwelling in Hirwaun.
- The level of public consultation that included 31 direct neighbour notification letters, a press notice and the erection of five site notices is considered acceptable.
- The concern that the land was given to the village for a school and should be retained as land for the public benefit of the village is noted. However at the time of the submission of this planning application the land is within private ownership and the applicant is looking to secure the land should planning permission 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). The residential element of the proposed development lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable. The application also constitutes Class A1 retail development creating over 100 sqm of floor space, where there is a liability of £100/sqm. The CIL (including indexation) for the retail element of this development is expected to be £61,268.62

### **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 a sustainable location within the settlement boundary. Following the receipt of revised plans the impact of the proposal on the residential amenities of adjoining dwellings is considered acceptable. The proposal is also acceptable in terms of the location of the convenience store, the impact of the development in terms of highway and pedestrian safety and parking and in terms of appearance.

### **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 following approved plans and documents.

688.F.01 Site Location Plan  
688.F.02 Existing Site Plan -Topographical Survey  
688.F.03F Proposed Site Plan  
688.F.04B Existing and Proposed Street Elevations  
688.F.05E Existing and Proposed Site Sections  
688.F.06 Proposed 3B 5P House  
688.F.07 Proposed 4B 6P House  
688.F.08D Proposed Walk-up Flats  
688.F.09A Proposed Adapted Bungalow  
688. F.10 Proposed Retail Unit – Floor Plans  
688.F.11A Proposed Retail Unit - Elevations  
688.P.12A Existing and Proposed Sections 1, 2 and 3  
Noise impact assessment prepared by KR Associates dated 23<sup>rd</sup> November 2016

Unless otherwise to be approved and superseded by details required by

any other condition attached to this consent.

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

3. Building operations shall not be commenced until 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.

4. 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/building shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. Other than newspapers, the delivery of goods to the convenience store shall only take place between 7:00am to 7:00 pm Mondays to Saturdays, with no deliveries on Sundays or Public Holidays, unless as otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of the residential amenities of neighbouring dwellings to accord with policies AW5 and 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, including the finishes of the boundary treatment from the adjoining properties. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will 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. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years

from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. No development shall 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.
- i) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
  - ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.
  - iii) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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.

9. No works including site clearance shall take place within the bird nesting season (March - August), unless as otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that bird nesting areas are not disturbed during the course of the development. In accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 688.F.03F.

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

11. Notwithstanding the submitted plans, no works shall commence on site until full engineering design and details of the road layout, footpath links, reinstatement along site frontage, street lighting, highway structures and surface water drainage including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The approved highway works shall be fully implemented in accordance with the approved details.

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

12. 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.

13. Delivery Vehicles shall not exceed 10.7 meters in length.

Reason: In the interest of pedestrian and highway safety so as to accord with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The development shall not be occupied until a Traffic Regulation Order (TRO) along Brecon Road and the proposed site has been completed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon TAF Local Development Plan.

15. The retail unit hereby permitted shall not be open for business and no customers shall remain on the premises outside the hours of 0600 to 2200 hours on any day.

Reason: In order to protect the residential amenities of the occupiers of nearby dwellings in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Before any works are undertaken, the site must be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the building(s).

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

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<b>APPLICATION NO:</b>	<b>16/0808/10</b>	<b>(HW)</b>
<b>APPLICANT:</b>	<b>How refreshing</b>	
<b>DEVELOPMENT:</b>	Full consent is sought for the construction of 19 dwellings on the site, together with the infrastructure associated with the development (revised plans received 10/10/16)	
<b>LOCATION:</b>	<b>LAND ADJACENT TO RHIGOS POST OFFICE, HEOL PENDARREN, RHIGOS, HIRWAUN</b>	
<b>DATE REGISTERED:</b>	<b>22/07/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Rhigos</b>	

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**RECOMMENDATION: Approve**

**REASONS:** The site is within the settlement boundary and is considered to be acceptable in respect of neighbour amenity, visual impact and impact on highway safety. Therefore the site is considered to represent a welcome addition to the housing supply in the north of the County Borough and it is recommended that planning permission is granted.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

This is required to be reported to the Committee as it involves the creation of more residential units than can be considered under delegated powers.

## APPLICATION DETAILS

Full planning permission is sought for the development of the site for 19 houses, comprising 16 three bedroom houses and 3 four bedroom houses. The houses will be accessed via a new cul-de-sac road running through the centre of the site.

The houses will be arranged as 7 pairs of semi detached houses and 5 detached houses. Three of the houses provide a frontage on to Heol Pendarren. Parking will mainly be in spaces in front of and to the side of houses, including some garages, but those houses fronting Heol Pendarren will access their parking via a new private drive to the rear of them. The houses will be finished in render and facing brick, with artificial slate roofs.

As well as the plans, a Design and Access Statement has been submitted with the application.

## SITE APPRAISAL

The existing site is a vacant greenfield site in the settlement boundary. It is an irregular shaped site measuring 0.45 hectares in size. The site fronts Heol Pendarren on its north west boundary immediately opposite the recent development at Min Afon. It is bound by a Post Office/convenience store, a dwelling known as Ty Dafydd and a play area along its north east boundary, and the rear of properties in Cwrt Glanrhyd and Cwrt Bryn Isaf to the south east and south. There are several trees to the south west and the Nant Gwrrangon is close to the western tip of the site. It appears that this part of the Nant Gwrrangon and the trees on its bank form part of a property known as The Rhyd, which is to the south and is orientated so it faces the site.

## PLANNING HISTORY

16/0092/10	2 no. detached houses	Permission granted 14/06/16.
07/1231/10	14no. detached dwellings	Permission granted 18/01/11.
03/1206/13	Residential development (outline application)	Permission granted 10/11/03.
51/91/0012	11no.Bungalows	Permission 22/5/91.
51/77/0160	9no. Detached and 1no. Pair of semi detached bungalows.	Permission granted 22/06/77.

## **PUBLICITY**

The application has been advertised by means of site notices and a press notice due to it being a major application.

Two objections have been received from the occupants of one neighbouring property. The concerns are that the proposed development will impact on the amenity of The Rhyd due to overlooking, loss of privacy and the development being overbearing.

## **CONSULTATION**

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

Countryside - no objection raised, subject to conditions, but want confirmation that certain trees on the southern boundary and in the north west corner of the site can be protected.

Public Health and Protection - no objection raised, subject to a condition on hours of construction.

Land Reclamation and Engineering - no objection, subject to a condition in respect of drainage details.

Housing Strategy - two houses should be provided for low cost home ownership.

Education - no comments made.

Natural Resources Wales - no comments to make.

Dwr Cymru/Welsh Water - no objection raised, subject to a condition in respect of surface water drainage.

Western Power Distribution - no comments made.

Wales and West Utilities - no objections raised.

South Wales Police - no objection raised and provide design advice.

Fire Service - no comments made.

Rhigos Community Council - object due to Japanese Knotweed on the land.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The site is unallocated and within the settlement boundary.

Policy AW1 - Supply of New Housing

Policy AW5 - New Development

Policy AW8 - Protection And Enhancement Of The Natural Environment

Policy NSA11 - Affordable Housing

The following Supplementary Planning Guidance (SPG) is also considered relevant to this application:

Affordable Housing

Planning Obligations

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 9- Housing

### **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.

Although the site is unallocated for development, it is in the settlement boundary. In addition, a previous housing development was granted planning permission on this site in 2011. The site would provide a small, but welcome, contribution to the housing supply in the Northern Strategy Area. Therefore, the development of this site for housing is considered acceptable in principle.

The key issues are considered to be the impact on neighbour amenity and highway safety.

In respect of neighbour amenity, there are other residential properties immediately adjacent to the site. Some of the gardens proposed are relatively short, and therefore the rear of some of the proposed houses do face existing gardens at relatively short distances, of less than 10 metres, to the boundaries of these gardens. However, none of the proposed houses are considered to face windows of neighbouring properties at unacceptable distances, and the proposed houses concerned are facing the rear of gardens which are of generous size. In addition, no objections have been received from the properties impacted by this. Therefore, the proposed development is considered acceptable in this respect.

In respect of the Rhyd, it is noted that the land forming this property adjoins the site and the side of one of the houses is adjacent to it at a very short distance. However,

the house at the Rhyd is approximately 35 metres from the site and the Nant Gwrrangon and trees on its bank sit between the site and the main garden area of the Rhyd. Therefore, it is considered the development has an acceptable impact on this property. It is also noted that a house was approved in a similar position as part of application 16/0092/10.

In respect of highway safety, the development proposes sufficient parking and is considered acceptable subject to some alterations to the existing traffic calming arrangements along Heol Penydarren. It is considered this can be addressed via a condition, although it is noted that the developer will have to apply for a separate Traffic Regulation Order to make these alterations.

## **OTHER ISSUES**

In respect of the Community Council's concerns, the Council's Ecologist has advised that (aerial photographs indicate) there may be Japanese Knotweed on the site. He was unable to verify this from a site visit as he could not gain any access to the site. However, a condition has been recommended requiring that any Japanese Knotweed on the site is treated and removed prior to building, so development of the site would address any current problems in this respect. It is not considered that the presence of Japanese Knotweed is a sufficient reason to refuse planning permission in itself.

In respect of the trees in the north west corner and the southern boundary, the applicant has stated that as many of the trees as possible on the boundary will be kept, but no specific details of tree protection have been received. However, in respect of the trees in the north west corner again it is noted that there is an extant consent for a dwelling (16/0092/10) in a similar position to that proposed by these trees here. A condition is recommended for tree protection during construction.

In respect of the condition Public Health and Protection have recommended to restrict hours of construction, it is considered that there are sufficient powers already available to deal with any nuisance generated from working on the site at unsociable hours.

## **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.

Given Policy NSA 11 requires 10% of housing on sites of over 10 dwellings to be affordable. Whilst Housing Strategy would like to see 2 low cost units, the applicant has offered one. As the affordable housing requirement on this site is not quite 2 dwellings (1.9) it is considered that this is reasonable in this case. This would either be provided on site or an equivalent off site contribution would be made, and it is proposed this will be agreed during the Section 106 Agreement process.

Community Infrastructure Levy (CIL) Liability

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

The application is for residential development is 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**

Given the above, it is recommended that planning permission is granted.

**RECOMMENDATION Approve subject to a Section 106 Agreement for one of the 3 bedroom houses on the site to be provided as a low cost housing unit, or an off site contribution to be made at the equivalent of 30% of the open market value of the house and the following conditions:**

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) 469-001B, 469-002, 469-002B, 469-003A, 469-005A, 469-006A, 469-008A and documents received by the Local Planning Authority on 23rd December 2016, 31st January 2017 and 1st February 2017 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Before any 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.

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. Details of specific nesting and reptile mitigation strategies;
  - e. Details of root protection measures of retained boundary trees;
  - f. Details of pollution control measures;
  - g. 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. Full details of a scheme for the eradication and/or control of any Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) 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.

6. 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.

7. 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.

8. Prior to the commencement of development, a scheme of changes to the traffic management along Heol Pendarren shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of the site.

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

9. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the access to be constructed from Heol Pendarren, the tie in of the access with Heol Pendarren changes to traffic calming arrangements along Heol Pendarren, the provision of pedestrian crossing facilities, the setting back of the site boundary and the widening of the footway to accommodate the development, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To facilitate safe access and egress from 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
- 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. No HGV deliveries during the construction period shall taken place between the hours of 08:00-0:900 and 15:00-16:00 Monday to Friday.

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

13. 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.

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.

15. 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.

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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height on the rear elevation of plots 7, 8, 9 and 10 and the side elevation of plot 19 without the prior express permission of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>16/1125/13</b>	<b>(HW)</b>
<b>APPLICANT:</b>	<b>Mr Phillip Sweet</b>	
<b>DEVELOPMENT:</b>	Construction of two storey detached dwelling (re-submission of application ref. 16/0074/13).	
<b>LOCATION:</b>	<b>LAND TO REAR OF TIRFOUNDER ROAD, CWMBACH, ABERDARE, CF44</b>	
<b>DATE REGISTERED:</b>	<b>31/10/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Cwmbach</b>	

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**RECOMMENDATION: Approve**

**REASONS:** This is a resubmission of a previous outline planning application for two houses that was refused. This application proposes one house. It is considered that this overcomes the concerns raised regarding the over development of the site previously. In addition, Highways Development Control are satisfied with the impact on highway safety, subject to conditions.

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**REASON APPLICATION REPORTED TO COMMITTEE**

This is required to be reported to the Committee as three objection letters have been received.

## **APPLICATION DETAILS**

Outline planning permission, with access applied for as part of this application, is sought for the development of the site for one large detached dwelling house. The house would be between 13 metres and 15 metres wide and between 10 metres and 12 metres deep. It would be between 8.0 metres and 9.0 metres high. The applicant has submitted indicative side and front elevations showing a double fronted house with a hipped roof design, and has said that only non habitable room windows will be placed in the south side elevation.

The site will be accessed from an existing access track adjoining Tirfounder Road. An existing garage will remain on the site, and parking and turning will be provided in front of the proposed house.

## **SITE APPRAISAL**

The existing site is a rectangular greenfield site in the settlement boundary, measuring 0.08 hectares in size. There is a mature tree at the rear of the site and a garage on site. It is understood that the site was last used for grazing horses.

The site sits behind nos. 6, 6a and 7 Tirfounder Road, and is accessed via an existing track between nos. 7 and 8 Tirfounder Road. Nos. 5 and 6 Ffordd Lletty Shenkin are to adjacent to the southern side boundary and a creche is to the northern side, with a stream and trees between the two. Garages and a parking area in Glas y Gors are immediately behind the site.

## **PLANNING HISTORY**

The relevant planning history is considered to be as follows:

16/0074	Two detached houses.	Permission refused 06/04/2016.
06/0410	Garage.	Permission granted 17/05/2006.

## **PUBLICITY**

The application has been advertised by means of a site notice and by direct neighbour notification letters. Three objections have been received, which are summarised as follows:

- Concern regarding the adequacy of the access;
- The access is too narrow for service/construction vehicles;
- Noise due to vehicles using the access road;
- Parked cars to either side many result in accidents;
- Loss of privacy;
- Impact on stream on boundary;
- Land should remain green.

## **CONSULTATION**

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

Countryside - no objection raised, subject to a condition to protect the tree roots during construction.

Public Health and Protection - no objection raised, subject to a condition on hours of construction.

Land Reclamation and Engineering - no comment to make.

Dwr Cymru/Welsh Water - no objection raised, subject to a condition in respect of surface water drainage.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The site is unallocated and within the settlement boundary.

Policy AW5- New Development

### **National Guidance**

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

#### Planning Policy Wales

Chapter 9- Housing

## **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.

Although the site is unallocated for development, it is in the settlement boundary. While the site is surrounded by development on all sides and does not have a street frontage, it is a relatively spacious site with a direct access on to the street. Therefore, the development of the site for a house is considered acceptable in principle.

It is noted that planning permission was refused for two dwellings on the site last year. Concern was raised regarding the impact on neighbour amenity and regarding the adequacy of the access. These are therefore considered to be the key issues in determining this application.

Concern was also raised previously regarding the loss of the mature tree on the site. However, it is proposed to be kept as part of this application.

In respect of neighbour amenity, the proposed house is considered to be far enough away from houses in Tirfounder Road to have an acceptable impact on their amenity. The dwelling will be approximately 40 metres away from the rear of the houses in Tirfounder Road at the nearest point and 14 metres away from the rear of their gardens.

The house is, however, close to the rear of nos. 5 and 6 Ffordd Lletty Shenkin. These two recently built houses have been constructed very close to the boundary with this site, being 2 metres away at the nearest point. There is proposed to be approximately 10 metres between the proposed house and these properties. It is considered that depending on the eventual design of the house, this would have an acceptable impact on privacy of nos. 5 and 6 Ffordd Lletty Shenkin as the house could be constructed with non-habitable room windows only on the side. In respect of a potential overbearing impact, it is noted that the applicant has suggested a roof hipped away from these properties. It is considered that given this and the proposed 10 metre distance, on balance a house on this footprint would not be unacceptably overbearing on these properties.

In respect of access and highway safety, the applicant has proposed some alterations to the existing access by adding rumble strips. A turning area will also be provided. It is considered that these and the reduction to one house overcomes the previous highways reason for refusal.

## **OTHER ISSUES**

It is not considered the proposal would significantly impact on the stream on the northern boundary of the site.

### Community Infrastructure Levy (CIL) Liability

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

The application is for residential development is 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**

Given the above, it is recommended that planning permission is granted.

**RECOMMENDATION Approve** subject to the following conditions:

1. (a) Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. The development hereby approved shall be carried out in accordance with the approved location, layout and access plans and documents received by the Local Planning Authority on 18th October 2016 and 22nd December 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Before any 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.

4. 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 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. The access shall be laid out in accordance with the approved plans prior to the beneficial occupation of the dwelling.

Reason: To facilitate safe access and egress from the proposed development in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No HGV deliveries during the site preparation and construction period shall take place between the hours of 08:00-09:00 and 15:00-16:00 Monday to Friday.

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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<b>APPLICATION NO:</b>	<b>16/1240/10</b>	<b>(GH)</b>
<b>APPLICANT:</b>	<b>Mrs Rosemary Sullivan</b>	
<b>DEVELOPMENT:</b>	<b>2 No Dwellings.</b>	
<b>LOCATION:</b>	<b>LAND ADJACENT TO GINGER BREAD HOUSE NURSERY, MAES HYFRYD, CWMBACH, ABERDARE, CF44 0DL</b>	
<b>DATE REGISTERED:</b>	<b>02/12/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Cwmbach</b>	

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**RECOMMENDATION: Approve**

**REASONS:**

**The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, and both its visual impact and the impact it would have upon the amenity and privacy of the neighbouring residential properties.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

Three letters and a petition objecting to the application have been received.

## **APPLICATION DETAILS**

Full planning permission is sought for the erection of two semi-detached dwellings on a parcel of land located adjacent to Ginger Bread House Nursery, Maeshyfryd, Cwmbach.

It is proposed that each house would be constructed to a width of 5.5m and a maximum depth of 12.1m, with a twin pitch roof rising from 5.3m at the eaves to 8.2m at the ridge.

The principal elevations would be clad with grey coloured Bradstone, whilst the sides and rear would be of cream coloured render. The roof materials have been specified as grey slate tiles, with soffits and rainwater goods of white uPVC. Similarly, fenestration would be of white uPVC

The accommodation in each dwelling would be arranged over two floors, with a living room, kitchen/diner and WC to the ground floor. In addition, each property would benefit from a ground floor sunroom, which would project from the rear of the house and being single storey, would have a separate twin-pitch roof of the same external finish. Upstairs, the accommodation would provide three bedrooms and a bathroom to the first floor.

With regard to the off street parking, this would be constructed at the rear of each house, where a total of four resident's spaces would be provided. These would be accessed from a shared driveway, positioned between the south-eastern side elevation and the boundary fence with the nursery. Within the southern corner of the site a further three spaces would be laid out for the Nursery employees. The driveway, which would also accommodate further informal parking and dropping-off space, would connect to the public highway to the north via a new crossover.

The proposed dwellings would be positioned towards the centre of the site and set back from Maeshyfryd by front gardens to a depth of around 7m, such that the principal elevations would follow the building line of the houses to the north-west and the Nursery.

The plans and information accompanying the application demonstrate that the rear and side garden boundaries would be enclosed by a 1.8m high timber fence, whilst the garden areas to the front side and rear would be laid to lawn following the fall in land level.

## **SITE APPRAISAL**

The application site is an irregular shaped piece of land, amounting to an approximate size of 0.107 hectares, and is located to the southern side of Cwmbach.

This unallocated site, which is within the ownership of the Ginger Bread House Nursery, primarily consists of maintained grassland, with a group of trees positioned in the southern corner. The site is openly accessible. Noticeable during the site visit were the ground levels, which fall, quite evenly, by around 4m from the highway to north-east, to that of the properties located on Tirfounder Road to the southwest.

Currently there is no vehicular access to the site as the northern boundary is adjacent to the public highway known as Maeshyfryd; and to the north-western boundary of the site an adopted footpath and right-of-way leads from Maeshyfryd to Tirfounder Road.

Neighbouring properties comprise a mix of styles and sizes, although, with the exception of the Nursery which is of a single storey 1960s design, most of the former local authority houses at Maeshyfryd are of the similar semi-detached layout. Conversely, the properties located adjacent to the southern boundary, and which occupy the lower ground at Tirfounder Road, are primarily Victorian terraced dwellings.

## **PLANNING HISTORY**

There are no recent applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to seventeen neighbouring properties and notices were erected on site.

Three individual letters and a petition with forty-one signatories were received, in objection to the proposal, with regard to parking issues, noise, disruption and access. These comments are considered within the body of the report further below.

A further petition was received in support of the proposal, containing the signatures of forty-five nursery customers and local residents, followed by an email from the bus operator Stagecoach, again supporting the development on the basis of an improvement to on street parking.

However, it should be noted that a letter was later received from one of the signatories of the first petition. The letter stated that the five members of their household were given incorrect information, signed the petition inadvertently and having seen the plans, now supported the proposal.

## **CONSULTATION**

Countryside - there are no relevant SewBrec Records of Statutory Protected Species from the immediate vicinity. However, an appropriate bat informative note will be needed on any planning permission.

Dwr Cymru/Welsh Water - no objection subject to conditions and advisory notes in relation to surface water and foul water disposal.

Highways - no objection, subject to a number of recommended conditions relating to the vehicular access and footway provision.

Land Drainage - no objection, subject to a condition requiring the submission of drainage details for approval prior to commencement.

Wales and West Utilities - note the proximity of underground services to the application site, with a list of general conditions and plan appended.

Public Health and Protection - no objection, subject to conditions in respect of demolition, hours of operation, noise, dust and waste.

### **South Wales Police:**

A letter of support was received from the Neighbourhood Officer, on the basis that the development would provide much needed off-street parking spaces and help to relieve current difficulties.

No other consultation responses have been received.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Aberdare

**Policy AW1** - sets out the criteria for new housing proposals

**Policy AW2** - promotes development 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** - supports development proposals where the impact on public open space can be mitigated.

**Policy AW10** - does not support development where unmitigated environmental, public health or amenity risks are present.

**Policy NSA12** - supports housing development within and adjacent to defined settlement boundaries.

### **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) and Chapter 4 (Planning for Sustainability), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

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 primary consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. The application proposes the construction of a residential dwelling on a parcel of land that is located both within the defined settlement boundary for Aberdare and surrounded mainly by established residential development.

In addition, as considered in the report further below, it will also be necessary to take into account whether the site is capable of accommodating a dwelling, provide the associated means of access, parking and amenity space; without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The impact of the development upon highway safety in the vicinity of the site is a further consideration.

However, in respect of wider policy considerations the proposed dwelling would accord with Local Development Plan Policy AW1, which establishes that the delivery of new housing may be supplied, in part, by the use of unallocated sites within the defined settlement boundary. Similarly, Policy NSA12 presumes in favour of development within or adjacent to settlement boundaries contingent on certain criteria.

It is also noted that the site would have good accessibility to sustainable transport links, with bus stops located on Bro Deg and Canal Road, and be within easy walking distance of Cwmbach railway station around 250m to the west. Local services and retail outlets are also in convenient proximity to Maeshyfryd, and can be found further along Bro Deg or at Tirfounder Fields.

Consequently, and since the new dwellings would not conflict with the surrounding residential properties, the development site would meet the criteria by which Policy AW2 would consider to be a sustainable location.

Lastly, Policy AW7 requires that where development proposals may impact upon public open space, they would only be acceptable where there is a surplus of such facilities in the area. The Policy identifies such public open space as land being “available for use by the public for informal and formal recreational and leisure use”.

Nonetheless, the application site is privately owned and could, in theory, have been enclosed to prevent access. There is also ample public open space within the lower part of Cwmbach, including the banking between Tirfounder Road and Canal Road, the vacant land between Maeshyfyrd and Glas y Gors, the play area and land at Rose Row, open ground between Bro Deg and Bryn Glas, and land to the east of Tre Gwilym.

The principle of the proposed development is therefore considered to be acceptable, subject to the following considerations.

### **Character and appearance of the area**

Currently, the site is maintained as an area of maintained lawn, containing trees and an area of scrub to the southern boundary. Although in private ownership the site has been left open and in addition to the right of way to one side, it appears that the site has been crossed diagonally as a short cut to the eastern corner.

Consequently, the space has been publicly accessible and has helped to create a degree of openness, although one of the objection letters has referred to an anti-social behaviour problem affecting the rears of the properties at Tirfounder Road.

Nonetheless, the size of the footprint of both houses is proportionate to the plot whereby in terms of the ratio of amenity space to building, this would be comparable to that of contemporary housing developments and other properties within Maeshyfyrd. However, unlike most of the neighbouring houses, the off-street parking provision to the rear and for the nursery would be an additional benefit.

As three-bedroom dwellings with accommodation over two floors, the scale of the two houses would also be on a par with the surrounding development in Maeshyfyrd. They would be positioned within the site such that they would reflect the building line and respect density and layout.

In respect of the design of the new houses, they would be different in appearance and have more of a cottage-like style, with perhaps, a greater vertical emphasis. The proposed external finish to the principal elevation, with the use of Bradstone, would not correspond with surrounding dwellings; although many of the latter have been subject to minor changes such as modern fenestration, different coloured elevations and roof materials, whilst some roofs are hipped and others not.

However, including the school and the Victorian properties to the south-west, other houses in the vicinity vary quite widely in appearance. There are a number of new properties a little further to the north-west, at the junction of Maeshyfyrd and Bryn Awelon, which are of a very different modern style, as well as older houses with the ‘mansard-style’ roof to the first floor.

Lastly, and noting the variety within the public realm, it is considered that the contemporary style of the new houses would be preferable to any attempt by the applicant to create a mid-20<sup>th</sup> century pastiche to try and assimilate with the surrounding dwellings. Therefore, it is not considered that the proposed dwellings would result in a harmful impact upon the character and appearance of the street scene and area generally.

### **Impact on neighbouring occupiers**

The site represents an in-fill plot located within an established residential area, thus its development would not conflict with existing uses. Nevertheless, since neighbour objections and representations have been received, consideration must be given to the potential impacts of the development upon the occupiers of neighbouring properties.

In terms of the physical mass of the new properties, considering their position and layout in the context of the surrounding dwellings, it would be unlikely that their construction would unacceptably affect the outlook of other residents or cause overshadowing to property.

Similarly, there would be ample distance between the opposing elevations of the new houses and those in Maeshyryd to ensure that no overlooking would occur, although to the rear of the site, the rear elevations of the houses at Tirfounder Road would be within 19m of those of the new dwellings.

Nonetheless there is already a degree of overlooking by virtue of the raised nature of the site, particularly where the south-western boundary of the field abuts the adjacent properties, and the development would not be considered to exacerbate this to a degree that would warrant a recommendation of refusal.

Although the petition and letters from residents do not highlight any objections on the basis of the above, objections are raised in relation to the disruption that would be caused by the development, specifically dust, noise, spoiled view and inconvenience. It is noted that these are not material planning matters, albeit that conditions are recommended in respect of hours of construction, delivery times and for the submission of a construction method statement. Reference has also been made to the public footpath, although the development would not encroach onto this.

Other issues highlighted, regarding the position of the properties at Tirfounder Road, include concerns about vehicle lights shining towards rear elevation windows, given the difference in levels. A concern has also been expressed that the development would worsen a vandalism problem, where children have been throwing bricks and stones at their windows.

In order to resolve the issue of vehicle light pollution, it is suggested that a suitably worded condition would require details of a fence to be provided along the relevant part of the south-western boundary, to a sufficient height to act as a screen.

With regard to vandalism, the lower part of the site, from where missiles would be thrown, does not benefit from the kind of natural surveillance from surrounding

properties that might otherwise dissuade anti-social behaviour. It is suggested, therefore that the enclosure of the site as residential curtilage, and the provision of the fence would be more likely to improve matters.

Therefore, given the siting, orientation and distance between the application site and surrounding properties, it is not considered that the proposed new dwellings would result in either a loss of privacy or amenity, and on balance, the impact of the development on the occupiers of nearby residential properties is acceptable.

### **Highway safety and access**

Highways officers have noted that the application site is accessed from Maeshyfryd which has a carriageway width of 4.9m with no parking restrictions and is on a bus route.

There is concern that the carriageway is narrowed due to existing high on-street car parking demand, on account of the nature of the surrounding residential development, with limited off-street car parking, and the pre-school nursery with no off-street car parking facilities.

The proposal provides for a 5m wide driveway to the rear, which would serve off-street car parking for the dwellings, and provide three additional spaces for the use of the adjacent nursery, which would reduce on-street car parking within the vicinity and be beneficial to the community.

In addition, there is also potential for visitors to the Nursery to park on the private shared access for short durations thus reducing the car parking demand along Maes Hyfryd which is a benefit in terms of highway safety and the local residents. The council is also considering a traffic management scheme through Maes Hyfryd and the surrounding streets to provide parking restrictions on the bend to the front of the site to facilitate free flow of traffic and improve highway safety.

Details of revised levels have been submitted to the Highways section, concerning the private shared access, with gradients of 1 in 20 to the back of the footway and with 1 in 11.5 thereafter, and revised footway levels with a 1 in 16.5m from the east and 1 in 20 from the west, which is considered acceptable for safe vehicular and pedestrian access.

Consequently, the applicant has overcome the previous highway safety concerns by reducing the grade of the private shared access off Maes Hyfryd (1 in 20) and providing footway tie in grades which are acceptable for safe pedestrian access (1 in 16.5 & 1 in 20).

The applicant will be required to provide full engineering design and detail of the proposed shared access including tie in details and longitudinal and cross sections drainage, retaining walls, which can be secured by a suitably worded condition.

## **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**

Having taken account of all of the issues outlined above and in light of the planning history of the site, the application proposal is considered acceptable. Therefore, the proposal is recommended for approval, subject to the conditions specified.

## **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans entitled 'Proposed Front Elevation', 'Proposed Rear Elevation', 'Proposed Side Elevation', 'Proposed Ground Floor Plan', 'Proposed First Floor Plan', 'Boundary & Landscape Treatment Plan' and 'Proposed Development at Maeshyfryd' and documents received by the Local Planning Authority on 9th November 2016 and 2nd December 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. No development shall take place 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. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.

4. The development hereby approved shall not be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. 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 ensure no pollution of or detriment to the environment.

6. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted layout plan dated 2nd December 2016 and approved by the Local Planning Authority

Reason: In the interests of highway safety

7. Notwithstanding the submitted plans, no development shall take place until full engineering design and details of the private shared access including its tie in with Maes Hyfryd tie in with existing footways, retaining walls, together with sections and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

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

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

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

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

9. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am 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.

10. During the construction phase of the development the hours of work shall be restricted to the following.

Monday to Friday	08.00 to 18.00 hours
Saturday	08.00 to 13.00 hours
Sunday and Bank Holidays	Not At All

Reason: In the interests of the amenity of other residents, in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

11. No development shall take place 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.

12. No development shall take place, until details of a fence to be provided along the south-western site boundary, of sufficient height and length to prevent light pollution of neighbouring properties from vehicle lights, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the fence has been completed in accordance with the approved plans and the fence shall be permanently retained and maintained in good condition thereafter.

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

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**16 FEBRUARY 2017**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**

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