

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-2017:

**DEVELOPMENT CONTROL
COMMITTEE
16 MARCH 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

| | Agenda Item No. 7 |
|--|-------------------|
| APPLICATIONS RECOMMENDED FOR APPROVAL | |

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 16/0976 - Construction of 6 no. semi detached and 3 no. detached residential dwellings with associated on plot parking and external works, as a supplementary Planning Application to Terry Nunns original approved Planning Application Ref. 10/0083/10, land adjacent to 41 Bronallt Terrace, Abercwmboi, Aberdare.
2. Application No: 17/0131 - New bridge structure, approximately 60m in length, connecting the A4059 (New Road) with the B4275 (Miskin Road). The proposed structure spans the River Cynon, Aberdare-Cardiff railway line. To facilitate these works, a section of the B4275, approximately 385m long will be upgraded. There will be associated retaining structures to enable the B4275 improvement, and there will be improvements to the junction of New Road and the Cwm Cynon Industrial Estate access road, land at Miskin Road and New Road, Mountain Ash.
3. Application No: 17/0160 - Single storey side extension, 10 Greenwood Drive, Hirwaun, Aberdare.

This page intentionally blank

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0976/10 (HL)
APPLICANT: Meadowvale Homes
DEVELOPMENT: Construction of 6 no. semi detached and 3 no. detached residential dwellings with associated on plot parking and external works, as a supplementary Planning Application to Terry Nunns original approved Planning Application Ref. 10/0083/10.
LOCATION: LAND ADJACENT TO 41 BRONALLT TERRACE, ABERCWMBOI, ABERDARE, CF44 6BP
DATE REGISTERED: 05/09/2016
ELECTORAL DIVISION: Aberaman South

RECOMMENDATION: Approve

REASONS: The application proposes the development of nine residential units on previously developed land, predominantly outside of, but adjoining the defined settlement boundary of Abercwmboi and the Former Phurnacite Plant Strategic Site. The principle of residential development is considered acceptable and has been positively established by the granting of detailed consents for residential development of the site.

The proposal is in keeping with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of layout, design and density, its impact on residential amenity, highway safety, drainage and ecology.

REASON APPLICATION REPORTED TO COMMITTEE:

The application proposes the development of nine residential units and as such it not covered by determination powers delegated to the Service Director Planning;

APPLICATION DETAILS

Full planning permission is sought for the construction of 9 dwellings on a parcel of land on the northern side of the B4275 (Bronallt Terrace), formerly known as the Rivers Transport Yard.

The development would comprise six semi detached and three detached dwellings. The application is a partial re-design of a site which was granted planning permission in January 2011 (application 10/0083/10 refers) for the development of 16 dwellings. The seven other houses granted consent by application 10/0083/10 are currently under construction.

Details of the property type and plot allocation are given below. The plot numbers run consecutively to the seven approved as part of application 10/0083/10

- Plot 1: detached, three storey, five bedroom dwelling positioned in the south-eastern corner of the site, to the east of the new access. The dwelling would measure 8.85m wide, 10m deep (at its max) with a ridge height of 10.2m falling to 6.1m at eaves level. The property would be orientated to face south-west to overlook the cul de sac junction with Bronallt Terrace. A detached double garage would be provided to the north (rear) of the property. The property would match that approved for plots 2 and 8.
- Plots 9, 10, 13, 14, 15 and 16: Semi detached, two storey, 3 bedroom dwelling. Each dwelling would measure 5.85m wide, 9.75m deep with a ridge height of height of 8.5m falling to 5.0m at eaves level.
- Plots 11 and 12: detached, two storey, 4 bedroom dwelling with integral garage, measuring 8.55m wide, 13.75m deep (at its max) with a ridge height of 8.4m falling to 5.1m at eaves level. The properties would match that approved for plots 3-7.

Plots 9-16 would be orientated north to overlook the new cul-de-sac road. All the properties would be accessed from a new cul-de-sac (estate road); would benefit from at least two off street parking spaces and enclosed rear gardens. With regard to external materials, a mix of render and brick with concrete roof tiles and uPVC windows and doors are proposed.

SITE APPRAISAL

The site comprises an irregularly shaped, vacant plot of unallocated, brownfield land predominantly located outside of but adjoining the defined settlement boundary of Abercwmboi, in the Aberaman South ward and the south-eastern corner of the Former Phurnacite Plant Strategic Site as defined by the Rhondda Cynon Taf Local Development Plan (LDP). The plot is situated on the northern side of Bronallt Terrace, at the south-eastern edge of Abercwmboi. The site has a road frontage of approximately 55m. The site falls gently from south-east to north-west.

The application site adjoins undeveloped land to the west, north and east, with No. 41 Glenboi positioned 9m to the east of the site. On the opposite side of Bronallt Terrace (to the south) are several dwellings of mixed design and appearance. Vacant land to the west and north, which was previously used as a phurnacite plant and licensed tip area, is now allocated as a Strategic Site in the Rhondda Cynon Taf Local Development Plan.

PLANNING HISTORY

Relevant planning history is summarised below.

| | | |
|------------|---|----------------------|
| 51/95/239 | 22 no. semi detached dwellings (outline) | Approved 20/03/96 |
| 04/1600/10 | Development of 16 no. houses and associated access. | Approved 11/02/05 |
| 10/0083/10 | Development of 16 No. detached and semi-detached dwellings with associated access and estate road | Approved 19/01/11 |

| | | |
|------------|---|----------------------|
| 15/1437/15 | Remove Condition 12 (Code for Sustainable Homes) of planning permission 10/0083/10 | Approved 15/07/16 |
| 15/1499/38 | Discharge of conditions 2 (site investigation); 3 (Site contamination) 4 (external material); 5 and 6 (Boundary details); 7 (proposed levels); 8 (surface water drainage); 9 (Landscaping); 10 (landscape Management); 13 (Road layout, sections and surface water drainage); 14 (Vehicular access); 15 (Vision splays) and 17 (Construction method Statement) of planning permission 10/0083/10) | Approved 22/06/16 |
| 16/0826/39 | Non material amendment to vary house type B to provide 1 addition bedroom. | Approved 30/08/16 |
| 16/0643/39 | Non material amendment to the layout and size of house type for plots 4-8; amendment to layout. | Approved 01/07/16 |

PUBLICITY

The application has been advertised by direct neighbour notification letters and the erection of site notices. No objections or representations have been received.

CONSULTATION

Transportation Section – amended plans – no objection subject to conditions.

Public Health and Protection Division – no objection subject to conditions requiring the implementation of the measure approved in the land contamination report, submitted to discharge conditions 2 and 3 of application 10/0083/10 (discharged on the 22/06/2016) have been implemented and a suitable validation report has been submitted to and approved by the Local Planning Authority.

Land Reclamation and Engineering Section – raise no objection subject to recommended conditions of consent regarding drainage and the submission of a hydrological impact assessment.

Councils Ecology Officer - no relevant SewBrec Records of Statutory Protected Species from immediate vicinity.

Natural Resource Wales – no objections are raised to the proposed development subject to the imposition of appropriate conditions.

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

Wales and West Utilities - raise no objection, although they identify the presence of their infrastructure in the vicinity of the site.

The Coal Authority – site is located within a Low Risk Area.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is outside of but adjoins the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

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

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

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

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

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

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

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

Policy NSA10 – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated that a lower density is more appropriate.

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

Supplementary Planning Guidance

Access Circulation and Parking

Design and Placemaking

Nature Conservation

National Guidance

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

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

(Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application, Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

Other relevant policy guidance consulted:

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The application proposes the development of nine residential units on previously developed land, predominantly located outside of but adjoining the defined development limits of Abercwmboi and the boundary of the former Phurnacite Plant Strategic Site. Policy NSA12 of the LDP specifies that proposals outside but adjoining the defined settlement boundary and/ or Strategic sites will be permitted subject to certain criteria and them not prejudicing the development of Strategic Site.

In this instance it is considered that the principle of residential development has been positively established by the granting of full consent for residential development of the site and is acceptable subject to a number of material planning considerations, which are discussed below.

Impact on the character and appearance of the area

As specified above the application proposes the development of nine residential units (three detached and six semi-detached dwellings) to be provided as of a larger development. The density of development currently proposed equates to 37.5 dph and as such is compliant with the requirements of policy NSA10.

Although larger in scale than those previously approved for the site, the proposed dwellings are considered to be of acceptable appearance, particularly given the mixture of house types in the locality. Although concerns were initially raised regarding the rear elevations of plots 13 to 16 overlooking the main B4275 (Bronallt Terrace), it is acknowledged that the design reflects that approved as part of application 10/0083 with reorientation hindered by the levels of this part of the site. Following negotiations, amended plans have been received repositioning units 13-16

slightly further north and the provision of brick and stone wall adjacent to the pavement to reduce the visual impact of the closeness of the rear of the dwellings on highway users.

Although the plans indicate some landscaping, full details can be obtained by a suitably worded condition if permission is granted.

Taking into account the above, although larger in scale than the existing dwellings closest to the site, it is considered that the design, size and scale of the dwellings proposed in association with the density, arrangement and external materials would create a development that would have an acceptable impact on the character and appearance of the area compliant with the requirements of policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity

The proposal is considered to retain a reasonable degree of amenity for occupants of adjacent properties. Although the dwelling for plot 1, which contains windows in the south-eastern (side) elevation would be sited approximately 9m from the western side elevation of 41 Glenboi it is considered that the orientation of the proposed dwelling in association with the distances maintained and boundary treatments proposed, would prevent the development from being so detrimental to warrant refusal of the application on such grounds. Following direct neighbour notification and the erection of site notices, no objections or representations have been received.

On the basis of the above it is considered that the development is compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

As specified above, the proposal, in association with the development of plots 2-8 approved by application 10/0083/10, would create 16 dwellings served off an adoptable highway, leading from Bronallt Terrace the design of which has been determined as compliant with the Council's Highway Design Guide.

The plans submitted indicate that property type A (plots 9, 10, 13-16) would each benefit from 2 off street parking spaces per dwelling. Although the Council's Supplementary Planning Guidance Access, Circulation & Parking 2011 (SPG) recommends the provision of a maximum of three spaces, the provision proposed is considered acceptable taking into account the sustainable location of the site, with both bus and rail stops, within walking distance. The parking provision proposed for plots 1, 11 and 12 has been determined as compliant with or in excess of the requirements advocated by the SPG.

During the initial consultation, the Transportation Section raised an objection to the application on the grounds that the off street parking associated with plot 1 would result in multiple reversing movements, in close proximity to the junction leading to highway and pedestrian safety concerns.

Following the submission of amended plans that detail alterations to the road alignment at the access and parking layout for plot 1, the Transportation Section have removed their objection subject to a number of conditions.

In conclusion, the developer has amended the scheme to overcome the previous highway safety concerns and subject to conditions, it is considered that the proposal would not be detrimental to the highway safely and free flow of pedestrian and vehicular traffic and is compliant with the requirements of policy AW5 of the Rhondda Local Plan.

Other Issues:

Impact on Trees and Ecology

The proposal will have no additional impact on trees on or adjacent to the site, than the previously approved scheme. None of the trees have been identified as having conservation value, and their possible loss would not justify the refusal of the planning application. Following consultation the Authority's Ecologist has confirmed that there are no relevant records of statutory protected species within the immediate vicinity. However, it is recommended that an informative bat note be applied to any grant of consent.

Land Contamination

The site is considered to be potentially contaminated, as a result of its previous use.

As specified above, the current proposal is an amendment on part of a site that already has permission. The site contamination condition for that development was discharged as part of application 15/1499/38 on 22nd June 2016. Following consultation, the Public Health and Protection Department have raised no objection to the determination of application subject to conditions relating to unexpected contamination and suitability for end-use being imposed as part of any consent.

Although conditions are also recommended with regards to noise, dust and waste it is considered that these matter can be more efficiently controlled by other legislation with an appropriate note added to any permission.

Affordable Housing

Policy NSA11 specifies that the provision of at least 10% affordable housing will be sought on sites of 10 units or more. Although the site as a whole is capable of accommodating and has consent for 16 units, this development was granted consent prior to the implementation of the current LDP. As a result there was no requirement for the developer to provide any affordable housing as part of that consent. The current proposal seeks to rearrange and alter nine units on the western side of the site and therefore falls below the affordable housing provision threshold specified by the policy.

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

Taking into account the above matters, it is considered that there is no material change in circumstances since the earlier approval which prevents the approval of the current application. It is considered that the development proposed would make beneficial use of a vacant site and would not have a detrimental impact on the character and appearance of the area, residential amenity or highway safety. It is also considered that matters with regard to land contamination can be appropriately mitigated by way of condition. The application is therefore considered compliant with the relevant requirements of the policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to conditions.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) 7084 PL (90) 101; 200 Rev B; 201 Rev C; 204 Rev A; 205 Rev B; 206 Rev A; 202; 203; 400 Rev B and documents received by the Local Planning Authority on 6th September 2016 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. The development hereby approved shall be carried out in accordance with the approved site investigation and contaminated land reports submitted and approved as part of application 15/1499/38.

Prior to the building slabs being developed, a ground gas risk assessment shall be provided to the Local Planning Authority to determine whether any special precautions are required to prevent gas mitigation into buildings.

The hydrocarbon hot-spot shall be delineated and remediated prior to completion of the plots at TP1.

PAH testing will be undertaken and risk assessed, with a copy of the

resulting reports being submitted to and approved in writing by the Local Planning Authority prior to the completion of the soft landscaped areas.

No dwelling shall be occupied until the measures approved as part of the site investigation and land contamination reports have been implemented and a suitable validation reports have been submitted to and approved in writing by the Local Planning Authority.

In the event that during the construction of the approved development, contamination is detected or derived from a different source or is of a different type to those identified in the approved scheme, a revised scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In the interests of the Health and Safety and Environmental Amenity in accordance with policy AW10 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. 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.

5. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street lighting and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineering details and implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

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

6. Prior to the beneficial occupation of any dwelling, the existing vehicular access off Bronallt Terrace (B42756) shall be stopped-up and re-instated in full footway construction in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

7. The tie in of the proposed access with the existing highway (B4275) including vision splays shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial occupation of any dwelling.

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

8. The means of vehicular access and parking facilities to each individual dwelling shall be completed before such dwelling has been brought into use.

Reason: To ensure satisfactory accesses and parking are provided in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. 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 washing facilities, and 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.

10. All external materials used as part of the development shall match those approved as part of application 15/1499/38. The development shall only proceed in accordance with the approved details and shall be maintained as such thereafter.

Reason: In the interests of visual consistency and the character and appearance of the area in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. 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.

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.

=====

| | | |
|----------------------------|---|--------------|
| APPLICATION NO: | 17/0131/08 | (CHJ) |
| APPLICANT: | RCTCBC | |
| DEVELOPMENT: | New bridge structure, approximately 60m in length, connecting the A4059 (New Road) with the B4275 (Miskin Road). The proposed structure spans the River Cynon, Aberdare-Cardiff railway line. To facilitate these works, a section of the B4275, approximately 385m long will be upgraded. There will be associated retaining structures to enable the B4275 improvement, and there will be improvements to the junction of New Road and the Cwm Cynon Industrial Estate access road. | |
| LOCATION: | LAND AT MISKIN ROAD AND NEW ROAD, MOUNTAIN ASH | |
| DATE REGISTERED: | 01/02/2017 | |
| ELECTORAL DIVISION: | Mountain Ash East / Penrhiwceiber | |

REASONS: The scheme is expected to bring significant regeneration effects particularly in such areas as the relief of congestion, improved access for residents to employment areas and the creation of new development opportunities and will improve the potential and perception of the town.

While the bridge will have a direct impact on a significant part of the Cynon River Park and its environment, the applicants have satisfactorily addressed any environmental issues in a cogent and comprehensive manner and their findings in this respect are considered to be appropriate.

REASON THE APPLICATION IS REPORTED TO COMMITTEE: The type and scale of the proposed development is not able to be determined under the Council's Scheme of Delegation.

PREFACE

Committee will note from the PLANNING HISTORY section of this report that substantially similar schemes have already been approved under planning application reference numbers 04/2117 and 10/0555. Both of these approvals have since expired, the schemes having not been implemented. Also the LDP has been adopted and Planning Policy Wales has been updated since the 2010 approval

Committee is also advised that elements of the project are considered to be "permitted development" (*that is to say that by virtue of the fact that the works are being carried out by the Council, Parts 12, 13 & 14 of The Town and Country Planning (General Permitted Development) Order 1995 applies and the works involved do not specifically require planning consent*) but have been included in this assessment for completeness. Further information relating to these elements of the overall proposal is contained later in the report.

APPLICATION DETAILS & SITE APPRAISAL

The application site is comprised of Miskin Road in Mountain Ash and a span eastward there from across the railway, river and the Cynon Trail linking with the northern Cwm Cynon Estate Road.

The proposal represents the second extensive phase in the provision of the Mountain Ash southern cross-valley link as part of a series of improvements to the route of the A4059 and the B4275. The proposal involves not only the construction of the bridge itself but also substantial improvements to facilitate the widening of Miskin Road.

The Bridgeworks

The bridge will span and rise from the Cwm Cynon development across the Cynon Trail, the Afon Cynon and the Cardiff to Aberdare railway line, to join Miskin Road on the west side of the valley.

The bridge will primarily function as part of the highway network.

The proposed two span structure will have an overall length of 60 metres. The main span over the railway and river is 37 metres long, and the side span over the Cynon Trail is 23 metres long.

The proposed deck will be a continuous span over the intermediate support.

The options considered for the bridge construction and layout are limited by the constraints of the site. The west abutment has to fit into a narrow band between the road junction (with Miskin Road) and the railway.

The final structure is to be an absolute minimum of 4.5 metres offset from the nearest rail. It is desirable to have the intermediate columns as far from the riverbank as possible so as not to affect local flood levels. In addition, the highway alignment and slope of Miskin Road requires the steel plate girders to fan out both vertically and horizontally at the west abutment. The span of the bridge is therefore a composite steel plate/girder/concrete slab construction.

The form of the substructure has also been determined by the position of the railway and the road junction. It is intended to use a reinforced earth retaining wall on the rail side for the majority of the Miskin Road. Therefore, the current proposal for the western abutment is to construct a “bank seat” abutment that bears onto the reinforced wall. To accommodate the increased bearing pressures under the west abutment, the reinforced earth wall is likely to sit on piled foundations to remove any possibility of “heave” and “settlement” which could affect the rail. The intermediate support consists of a single row of bored concrete piles supporting a reinforced concrete pier, which is to be “haunched” at the top to land the steel plate girders and accommodate the significant forces. The eastern abutment is to be of a similar arrangement to the intermediate pier located at the base of the slope with the addition of backfilled wing walls to tie the bridge into the existing road level.

It is intended to make the bridge jointless, which will help reduce maintenance and increase durability. It is also intended that the bridge will be constructed using

weathered steel as it does not require painting, will be in keeping with the landscape and will reduce maintenance costs.

The position of the abutments and intermediate piers should ensure that the bridge does not have a detrimental effect on the flood characteristics of the river.

It is proposed to incorporate ecological measures such as bat and bird boxes into the bridge abutments and supported off the superstructure as required.

The bridge has been designed with sufficient clearances to allow for Network Rail's planned electrification of the Valley Lines.

The Roadworks

The scheme will provide a two-way three lane link road extending from the Cwm Cynon access to B4275 Miskin Road.

The central lane of the link road will be used for turning vehicles.

A two metre wide footway will be provided to the majority of both sides of the link. Miskin Road will be improved to a two-way full width road with a two metre footway along its western side and between the link road and Penrhiwceiber Road on the eastern side.

The new junction to be formed between the link and Miskin Road would be subject to traffic light controls.

Pedestrian access will be maintained to the residential property rears of Cynon View and Glyngwyn Street and Miskin Road. Minor reconfiguration and extension of Bush Road onto the realigned Penrhiwceiber Road is proposed. Glyngwyn Street's junction with Penrhiwceiber Road is proposed to be closed to traffic due to its close proximity to Penrhiwceiber Road.

Turning facilities and public parking is to be provided in the redundant carriageway in front of Navigation Villas.

The requirement to widen Miskin Road also brings with it the need to provide a series of new retaining walls in four distinct elements:-

Miskin Road Retaining Wall (retaining Miskin Terrace)

A masonry stone wall approximately 3 metres high currently retains the land and properties adjacent to this section of Miskin Road. The proposed wall is required to widen Miskin Road and will help minimise the effects on residential properties and the adjacent steep embankment. It will retain the remaining parts of the gardens to No.'s 1 & 2 Miskin Terrace and Glyngwyn Street. The proposed wall will be 152 metres long and will have an average height of 3.25 metres. The main construction will either be a cantilever sheet pile retaining wall or a reinforced concrete cantilever retaining wall. The wall will be faced with a mixture of reclaimed local stone and matching Pennant sandstone. A coursed random rubble pattern will be used.

Miskin Road Reinforced Earth Retaining Wall (retaining Miskin Road adjacent to the railway)

It is proposed to use a reinforced earth retaining wall along the majority of Miskin Road (on the railway side). The wall will be in **two** distinct stages.

The **first** section from the north to the west bridge abutment is to extend down to the rail level. The close proximity of the road to the rail requires the wall to extend to track level to negate the risk of the wall affecting the track bed. Excavating down to rail level will provide the necessary access corridor for the plant and machinery required to pile under the west abutment and therefore minimises the span of the bridge over the river and the railway. The height of the wall increases from an initial parapet ground beam to a maximum height of around 7 metres at the abutment.

The **second** section of the reinforced earth retaining wall extends from the western abutment to Penrhiwceiber Road. As the proximity of the road to the rail increases along this section, the excavation does not need to extend down to rail level. It is therefore intended that the wall will extend down into the ground sufficiently to transfer the forces below the rail. The maximum height of the reinforced earth along this section is approximately 8 metres, reducing to ground level at the southern extent of the scheme.

Miskin Footway Retaining Wall

The proposed wall is required to maintain pedestrian access to the property rears of Cynon View and Glyngwyn Street. It will preserve the direct pedestrian route from Glyngwyn Street via the existing stepped passage to the new link road. The wall will retain the proposed road and main footway. The reinforced concrete retaining wall will be 62 metres long and has an average height of 2 metres. It will have a plain (smooth) concrete finish. A steel vehicular / pedestrian parapet will be provided to the top of this wall with two horizontal rails and vertical infill bars. A "DDA compliant" footway is also provided to link Penrhiwceiber Road to Miskin Road at a high level along the top of the retaining wall.

The scheme will also necessitate the demolition of the following properties, or includes the site of these properties already demolished:-

- Miskin Cottages;
- Miskin Cottages (unoccupied);
- The Corner Shop, Penrhiwceiber Road (Demolished);
- Ty Cynon, Miskin Road, (Demolished),
- Garages adjacent to 2 Miskin Cottages;
- 4 no. garages opposite Miskin Terrace.

Additionally, part of the front gardens of nos. 1 and 2 Miskin Terrace and garden (opposite No.11) belonging to No.10 Miskin Terrace would also be absorbed by the scheme.

The proposal also provides for drainage by alteration to existing facilities outfalling ultimately to the River Cynon and street lighting in the area will also be improved.

PLANNING HISTORY

51/94/421 Construction of 11 metre wide Approved with conditions

| | | |
|---------|---|--------------------------------------|
| | carriageway with access track to coal yard and turning head | 25/01/95 |
| 04/1227 | Business Enterprise Centre 28 no. workshops and associated works | Approved with conditions 12/11/04 |
| 04/2117 | Construction of the Mountain Ash southern cross valley link – Stage 2 (Bridge) | Approved with conditions 03/06/05 |
| 10/0555 | Construction of the Mountain Ash southern cross valley link – Stage 2 (Bridge) – Variation of Condition 1 of permission 04/2117 | Approved with conditions 02/08/10 |

STATUTORY CONSULTATIONS

RCT Transportation Section - No objections.

RCT Public Health & Protection Section - No objections subject to conditions.

RCT Land Reclamation & Engineering Section - No objections

Network Rail – No objections. Offers advice on contractual requirements in developing in or around Network Rail land.

NRW - No objections subject to conditions.

Dwr Cymru / Welsh Water - Raise no objections subject to conditions and provide detail in respect of the presence of their apparatus in the vicinity of the application site.

Coal Authority – Response awaited (confirmation of pre-application advice)

Western & West Utilities - Provide detail in respect of the location of their apparatus in the vicinity of the application site.

National Grid - TRANSCO - Advise in respect of the location of their apparatus in the vicinity of the application site.

PUBLICITY

Committee is advised that this application has been one of the first received by the Council (as Local Planning Authority) to be subject to the requirements of Article 1 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. This requires an applicant (on “major” schemes) to carry out “pre-application consultation” on the proposal – independent of the LPA.

The intention of this new piece of Welsh Government legislation is to “front-load” the development process so that when an application is submitted, all interested parties (including both the public and consultees) will have had the opportunity to comment and any changes are made prior to the application itself being submitted.

This process was carried out between 25th November 2016 and 3rd January 2017. A 56 page Pre-Application Consultation Report was submitted with the application (as required by the 2016 Order).

To avoid confusion, the traditional statutory planning application consultation process was carried out with the same properties that were consulted as part of the applicant's pre-consultation process. This comprised of a formal notice being placed in the Press (Western Mail), site notices displayed in and around the site, and 119 individual neighbour notification letters being sent out.

As a result of this exercise **one** objection response has been received raising the following issues:

- Concern that the traffic surveys were done over a year ago and requesting that new surveys are carried out.
- Concern over structural surveys that have / have not been carried out as part of the application.
- Queries whether there are plans to amend the carriageway / pavement to allow for safe drop off and still allowing the free flow of traffic.
- Queries the term "redistribution" of traffic flow and why the Council is considering this development.
- Concerns over the level of noise at Lower Forest Level as a result of the development.

These issues have been addressed in the REASONS FOR REACHING THE RECOMMENDATION Section of the report.

PLANNING POLICY

LDP Policy

Proposals Map

The whole scheme falls within the settlement boundary of the key settlement of Mountain Ash.

The lines of the proposed bridge and Miskin Road improvement are indicated as a proposed major road scheme.

The proposed bridge and the Cwm Cynon North access road are inside the Cynon Valley River Park.

The River Cynon is a Site of Importance for Nature Conservation (SINC).

Constraints Map

The proposed bridge and Miskin Road improvement are within the TAN 15 flood Zone C2 (undefended flood plain).

Core Strategy Policy

Policy CS 1 emphasises building strong, sustainable communities. This includes promoting large-sale regeneration schemes in the key settlement of Mountain Ash (4) and promoting accessibility by securing investment in new roads (5).

Policy CS 8 provides for highway network improvements to complement the strategic highway network.

Area Wide Policy

Policy AW 5 gives amenity and accessibility criteria for new development, including proposals should not cause or exacerbate traffic congestion (2c).

Policy AW 6 gives design criteria for new development, including a high standard of design of the built form on major routes (5); the use of public art (6); use of landscaping (7); the protection and enhancement of landscape and biodiversity (14); and use of porous paving (16).

Policy AW 8 requires mitigation of any impact of development on SINC (such as the River Cynon).

Policy AW 10 gives public health criteria for new development, including air pollution (1), noise pollution (2); light pollution (3); water pollution (7); and flooding (8).

Strategy Area

Policy NSA 12 gives 4 criteria for development inside the settlement boundaries in the Northern Strategy Area, including protection of open space (1), the highway network (2) and car parking (3), and the avoidance of instability and contamination (4).

Policy NSA 20 safeguards land for the Mountain Ash Southern Cross Valley Link
Policy NSA 26 supports development that contributes to the achievement of the Cynon Valley River Park strategy.

SPG

- Design & Placemaking
- Nature Conservation
- Employment Skills

Evidence Base

EB68 Mountain Ash Town Centre Regeneration Strategy

National Planning Policy

Planning Policy Wales 9

Para. 8.1.5 supports necessary transportation infrastructure improvements.

Para 8.7.1 gives 7 criteria for proposals with transport implications, including impact

on travel demand, effect on public transport, provision for different transport modes, impact on the environment and the impact on safety and convenience of transport users.

Technical Advice Note 15 (Development and Flood Risk)

Transport and utilities infrastructure is defined as “less vulnerable development”.

Less vulnerable development, including transport infrastructure, will only be justified where its location in Zone C is necessary for regeneration or to sustain a settlement, or for meeting key employment objectives, and it is previously developed land and the FCA demonstrates acceptable consequences of flooding.

Technical Advice Note 5: (Nature Conservation and Planning)

states (paragraph 6.3.7) that the LPA should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats, otters or great crested newts on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

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.

The two fundamental planning issues in the consideration of this application are highway safety (as the application is a highway scheme) and ecology (as the highway works span a river and its environment).

Other principal considerations are design (including visual amenity), residential amenity, flood risk and public safety.

These issues are to be considered against the back drop of the policies within the Council's LDP and National Policy (Planning Policy Wales and TAN 15).

It is also necessary to distinguish between those works which do specifically require planning permission and those that do not.

Permitted Development

Committee will be aware that not all building works require planning consent. Work that can be done without planning consent is known as “permitted development”. What does and does not require planning consent is set out in The Town & Country Planning (General Permitted Development) Order 1995.

As the Local Authority, the Council enjoys a significant number of permitted development rights that do not exist for other developers. Of particular relevance is Part 12 (Development by Local Authorities), Part 13 (Development by Local Highway Authorities) and Part 14 (Development by Drainage Bodies).

The effect of this means that not all aspects of the proposed development of this site specifically requires planning consent. Should Committee approve this planning application, these can be undertaken independently of the rest of the development (although the nature of this development means that these works would be unlikely to be carried out should the scheme as a whole not be approved).

While Committee is entitled to consider the development as a whole the aforementioned elements have been included in the application for completeness so that the local community can see and understand the full extent of the redevelopment proposed.

Ecology

In respect of ecology, both NRW and the Council's Ecologist were consulted in respect of the development.

Members will note that there are similarities between the comments of both consultees. Although their respective roles and responsibilities are discrete, the nature of their subject area means that this is largely inevitable.

RCT Ecologist

- **Phase I Habitat Survey and NVC Survey**

The application has been supported by appropriate habitat survey work. This has confirmed that the direct impacts of road/bridge construction is the loss of areas of small areas of relatively diverse and typically eclectic 'brownfield' grassland habitats with areas of planted and self seeding mixed woodland, and scrub.

The bridge will span the River Cynon (which is part of a Site of Importance for Nature Conservation 57). There are also some ponds in the vicinity of the assessment area. The loss of grassland woodland/scrub is not significant given the extent of such habitat in the immediate vicinity. Loss of riverside woodland cover is inevitable, but this shouldn't have any significant impact on habitat connectivity along the river, and again, considerable areas of similar habitat occur up and down stream of the proposed road bridge.

The ponds do not appear to be physically affected. Mitigation will be required, although the proposal to re-seed with wildflower rich grass seed is not necessary and is addressed through the condition below.

- **River Habitat Survey**

A specific River Cynon habitat assessment has also been submitted. This is again an appropriate level of survey assessment and was subject to agreement with NRW. The bridge spans the river and from the details submitted there are no physical construction works proposed in the river. Invasive plants (Japanese Knotweed and Himalayan Balsam) infestation is rife. There are however a series of mitigation

recommendations identified, including pollution prevention measures, general otter mitigation, invasive plant control, sensitive clearance of vegetation in relation to protected species and fish mitigation. In terms of the main river NRW comments are of key pertinence. All of the mitigation required is addressed in the conditions below.

- Otter

The survey work confirmed that otter use the river section (one otter “spraint” found in four site visits).

The survey also confirmed that suitable otter habitat occurs in the immediate survey area. No otter “holts” were recorded, although the report recognises that construction works might cause temporary disturbance to any otters in the area.

The assessment also identifies the potential implications of water pollution and inappropriate lighting on otter use of the river. To counter these concerns the report submitted includes a series of otter mitigation measures, including a further pre-construction survey, tall box talks, construction precautions, pollution controls controlled lighting, an otter ledge and appropriate landscaping. Again, NRW observations are of primary importance in relation to otter however it is considered that with mitigation the impacts on otter can be acceptably mitigated.

- Bats

A “common” and “soprano pipistrelle” roost was found in No’s 1 and 2 Miskin Cottages, with an assessment of low numbers probably representing satellite or male roosts. Demolition of these buildings will require a (separate) European Protected Species licence from NRW. The scheme includes provision for new roost sites in the bridge construction, which is the only built structure which can accommodate alternative roost sites.

No trees with “moderate” or “low” bat potential are identified as being removed. Precautionary measures are recommended.

Six species of bats were recorded in survey work and the report concludes minimal impact on foraging/commuting areas. The lighting plan of the new road is identified as the most significant concern, and a “bat friendly” lighting plan is the subject of the condition below.

- Great Crested Newts

Four ponds within the immediate vicinity of the road/bridge construction were surveyed for Great Crested Newt (GCN). Although palmate newt were recorded in three of the ponds no GCN were recorded, and the ponds were assessed as “poor” to “average” as potential GCN ponds.

There are no GCN records within 2KM of the site. The submitted report concludes that GCN is therefore not a species concern, and the Council’s Ecologist supports that conclusion.

The report does identify the need for incidental movement of amphibians found during any reptile translocation works, and a condition is proposed to this effect.

- Reptiles

An appropriate reptile survey has been completed, which has identified a good population of slow worms within parts of the area affected by construction.

The report highlights the needed for a mitigation strategy with translocation of reptiles into adjacent undisturbed areas. Given the large areas of similar and retained potential reptile habitat on adjacent areas of the Industrial estate and river bank, the impacts of development on reptile habitat are very low. However mitigation is needed and this is secured by a condition.

- Breeding Birds

The bird survey has identified 41 bird species of which 2 were confirmed, 27 “probably” and 3 “possibility”. These included probable kingfisher (Wildlife and Countryside Act, Schedule 1 Protected Species) breeding. There are also 14 species of conservation concern (including kingfisher) this included a territorial pair of dipper and grey wagtail. The report concludes that while a diverse bird community exists, the impacts on birds can be successfully mitigated through the implementation of a scheme of controlled habitat clearance, too-box talks, pollution controls, landscaping, and bird boxes. The Council’s Ecologist is satisfied that, provided this mitigation is secured, then the assessment conclusions are acceptable.

- Badger

Survey work identified an outlier badger sett and badger activity on the hillside on the hillside on the eastern side of the Valley. However no badger evidence was found in (or immediately adjacent) to, the road/bridge construction area, or west of the A4059.

The report concludes that badger impacts associated with construction and operation of the road are low. Again, the Council’s Ecologist accepts the evidence and rationale for this conclusion subject to precautionary badger measures to be secured by a condition.

- Tree Report

A tree survey has also been submitted. As would be expected with the wooded riverbanks situation/context, there is quite a significant tree removal required. However, as identified in the Tree Report this is mainly young or early mature tree growth comprised mainly of planted and self seeded trees in mixed groups (alder, ash, willow, hazel, elm, sycamore, rowan, hawthorn, hazel, birch, oak, pine, apple and horse chestnut).

In garden areas there are Lawson’s Cypress affected and some Leylandii. One group G41 (goat willow, hawthorn, hazel, oak and Scot’s pine) is assessed as higher B2 retention value, the rest are lower value C quality trees.

The report recommends tree protection measures for retained trees, a scheme of tree works to retained trees (adjacent to the new road), and a recommendation for replacement planting.

While, the road construction will involve an inevitable loss of tree cover, the tree report has not identified any trees of significant Tree Preservation Order potential,

and trees affected are either young or early mature, so no mature trees or ancient woodland areas are affected.

The immediate context of the bridge development site is also well woodland, and the great majority of this will be retained, and will continue to develop. With appropriate conditions the Council's Ecologist is satisfied that the tree impact can be successfully managed to an acceptable standard.

- Summary

Provided NRW are satisfied with the ecological assessment and impacts, it is considered that with implementation of the conditions proposed below, the ecological impacts of this application can be adequately mitigated.

No development shall take place until such time as a Species, Habitat, River and Tree/Woodland Protection Plan for Construction has been submitted and approved in writing by the local planning authority.

The plan shall include:

- a) An appropriate scale plan showing 'Species, Habitat, River and Tree/Woodland Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;***
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;***
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed***
- d) Details of specific species and habitat mitigation measures for key species including bats, birds, badgers, otters (including otter ledge), fish, amphibians and reptiles,***
- e) Details of tree and woodland protection measures, and pre-construction tree management works***
- f) Details of wildlife sensitive lighting proposals***
- g) Details of water pollution control measures***
- h) An agreed scheme of progress reporting to the Council during the construction programme.***

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;***
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);***

- iii) Installation of physical protection measures and management during construction;**
- iv) Implementation of sensitive working practices during construction;**
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;**
- vi) Specific species and Habitat Mitigation measures**
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.**

All subsequent 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 & AW8 of the Rhondda Cynon Taf Local Development Plan

No development shall take place until a Landscape Mitigation Plan has been submitted to, and approved in writing by, the local planning authority.

The Landscape Mitigation Plan shall include details of;

- i) Purpose, aim and objectives of the scheme;**
- i) A review of the plans ecological potential and constraints (ensuring integration with ecological and tree recommendations);**
- ii) Details of the landscaping schemes, including;**
 - a) species composition,**
 - b) source of material (all native planting to be of certified British provenance and no wildflower rich seeds to be used),**
 - c) techniques and methods of vegetation establishment (natural restoration),**
 - d) method statements for site preparation and establishment of target habitat features;**
 - e) extent and location of proposed works;**
 - f) invasive plant control (especially Japanese Knotweed)**
 - g) aftercare and long term management;**
 - h) personnel responsible for the work;**

- i) timing of the works;*
- j) monitoring;*
- k) disposal of waste arising from the works;*

All landscape works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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.

Ecology (NRW Response)

Based upon the information provided, NRW recommend that the Council (as LPA) should only grant planning permission if conditions are attached to any permission granted. These would address significant concerns that they have identified and NRW have concluded that they would not object provided these conditions were attached to any permission.

- European Protected Species

NRW welcome the submission of the following documents 'Mountain Ash Cross Valley Link - Bat Surveys', 'Mountain Ash Cross Valley Link - Otter Survey' and 'Mountain Ash Cross Valley Link - Great Crested Newt Survey', produced by Capita, dated November 2016, that have been submitted to support this pre-application. From these documents, NRW note the following:

- Common and soprano pipistrelle bats were found to be roosting within 1 and 2 Miskin Cottages, which are to be demolished.
- Up to six species of bats were observed using the site or its boundaries for commuting and/ or foraging.
- Evidence of otter presence in the form of spraints was found in the River Cynon within circa 250 metres from the development site, but no potential or confirmed Holt sites were found.
- No great crested newts were found to be present in any of the ponds affected by the development.

NRW advise that bats, otters, great crested newts, and their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where these species are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

A licence may only be authorised if:

- The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats, otters or great crested newts on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the information provided, NRW are of the view that the proposed development is likely to give rise to the need for a European Protected Species licence application in respect of bats. However, they do not consider that the development is likely to be detrimental to the maintenance of the population of any of the species concerned at a favourable conservation status in its natural range, provided that suitable mitigation measures are implemented.

Therefore, NRW do not object to the proposal, subject to:

The scheme being implemented in accordance with the mitigation measures described in the survey reports titled 'Mountain Ash Cross Valley Link – Bat Surveys', 'Mountain Ash Cross Valley Link - Otter Survey' and 'Mountain Ash Cross Valley Link - Great Crested Newt Survey', by Capita, dated November 2016. NRW advise that this should be secured through planning conditions and / or a Section 106 agreement;

and

Inclusion of a planning condition on any planning permission that prevents the commencement of any demolition/ development works, which could affect structures that contain bat roosts, until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/ development to go ahead.

NRW advise that they may wish to discuss aspects of the proposed mitigation with the applicant in more detail during the European Protected Species licence application stage. They further advise that any changes to plans or proposed mitigation between the application stage and the EPS licence application may affect the outcome of the licence application.

Prior to the commencement of development, a European Protected Species Licence shall be obtained and submitted to the Local Planning Authority, or

confirmation shall be submitted to the Local Planning Authority from Natural Resources Wales that such a licence is not required.

Reason: To ensure the protection of bats, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

As part of the application process, the Council's Transportation Section was consulted. As this is a Council scheme, that Section has been heavily involved in helping to shape the scheme into its final submission. As a result it is concluded that the proposal is acceptable subject to detailed design and road safety audits being carried out. Accordingly, no highway objections are raised or conditions suggested.

Cynon Trail NCN478

This cycle path/trail runs along the eastern bank of the River Cynon. The new bridge proposals will over-fly the route, however during construction works there is likely to be a need to close this route for periods of time, and some appropriate diversions may be needed. Accordingly, the following condition is proposed:

No development shall take place until details of a method statement for treatment and use of the Cynon Trail during the construction period has been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To minimise any impact of the development on this route.

Public Safety

Past Mining Activity

The site is partially located within a "High Risk" area for past mining activity. A Ground Investigation Report (GIR) has been submitted with the application. At the time of writing this report no response has been received from the Coal Authority although the applicant's Pre Application Consultation with them concludes that the applicant has

".....obtained appropriate and up-to date coal mining information for the proposed development site and has used this information to inform the Ground Investigation Report (dated November 2016)".

"The Ground Investigation Report has been informed by an appropriate range of sources of information; including previous ground investigations. Based on this review of existing sources of geological and mining information, the Ground Investigation Report acknowledges that further site investigations are required"

"The Coal Authority concurs with the recommendations of the Ground Investigation Report and we would recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring the site investigation works as detailed in paragraph 6.12 of the report prior to

commencement of the development. Subject to the imposition of such a condition we would have no objection to the proposed development."

Due to the previous consents on this site for substantially the same development, it was not anticipated that there would be any significant issues with this development but Members will be updated at Committee in respect of any formal response.

In light of these comments, the following condition is proposed:

Prior to commencement of development, further site investigation shall be carried out in accordance with Paragraph 6.12 of the submitted Ground Investigation Report (Capita, November 2016) and the details submitted to, and approved in writing by, the Local Planning Authority, along with any requirements which need to be carried out as part of the development.

The development shall be carried out in strict accordance with any approval.

Reason: In the interests of public safety and to comply with the requirements of Planning Policy Wales and Policy AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.

Land Contamination

NRW have reviewed the following documents:

- Mountain Ash Cross Valley Link Preliminary Sources Study Report, produced by Capita, dated September 2016.
- Mountain Ash Cross Valley Link Ground Investigation Report, produced by Capita, dated November 2016
- Mountain Ash Cross Valley Link - Design and Access Statement, produced by Capita, dated November 2016.

NRW note from the above documents the recommendations made to undertake additional site investigation works, primarily for geotechnical engineering reasons, to inform the detailed design of the viaduct and road. Based on the information submitted, NRW request that the following condition is imposed on any planning permission granted.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Pollution Prevention

Due to the nature of the development, NRW request that a suitably worded condition for a Silt Management Plan to cover the matters below, along with emergency/contingency plans in the event of pollution, is included on any permission granted. This is to protect the water environment.

The Council's Public Health and Protection Section have also reviewed the submitted documents and have offered no objection.

General Concerns

Other than for its impact on flora and fauna there are other environmental considerations that need to be taken into account and these tend to focus in the areas of noise, congestion and air quality.

The scheme will inevitably result in an increase in traffic volumes; the impact on air quality will be mitigated to a large extent by the traffic becoming more free-flowing as a result of the scheme thereby maximising engine efficiency and reducing pollution, and by traffic being diverted from the residential areas of Glyngwyn Street and Bailey Street. The proposed two way realignment of Miskin Road will reduce the number of residential properties within 50 metres of the B4275 from 230 to 175 and it is also anticipated that properties between the site and the town centre would also benefit from an improvement in air quality. This though would be the end result of the scheme and the construction phase of the development would bring with it disruption that might make worse certain environmental aspects for local residents albeit for a relatively limited period of time. Specifically, this would take the form of localised increases in noise, vibration, dust and dirt; disruption along access routes; diversions delays and an increase in journey times and a temporary loss of public amenity. However, these elements are transient in nature and localised in terms of their actual impact in both a temporal and geographical sense, and consequently concluded that they can be adequately controlled or minimised by a combination of appropriate planning conditions, other legislative provisions available to the Council and the requirements of contract letting conditions.

Prior to commencement of development, a Plan demonstrating:

- ***How surface and/or ground water is prevented from becoming contaminated with any materials generated on or brought to site, ensuring only clean surface and/or ground water drains in to the River Cynon;***
- ***Measures to treat any contaminated water generated on site so as to ensure only clean water discharges to the River Cynon (the plan will need will need to specify which mitigation measures will be deployed throughout the development phases until completion);***
- ***Measures to ensure mitigation methods deployed are working effectively until completion. All records relating to mitigation maintenance will need to be retained and be made readily available for inspection.***

shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with any approved scheme.

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.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

The proposed development is partly within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be partly within the 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, a designated main river.

NRW have reviewed the Flood Consequences Assessment (FCA), produced by Capita, dated November 2016. The FCA confirms that the bridge will have a soffit level of 107m AOD. This is sufficiently above the predicted flood level for the 1% (1 in 100 year) plus 25% climate change allowance and the 0.1% (1 in 1000 year) events. Therefore the structure is in line with the guidance (set out in sections A1.14 and A1.15) of TAN 15.

NRW note that the FCA has assessed impact on third parties and they understand that flood levels upstream of the bridge are predicted to increase by approximately 0.002m. NRW consider this to be within modelled tolerances. They therefore have no adverse comments to make from a flood risk perspective.

Flood Risk Activity Permit (FRAP)

NRW advise that FRAPs will be required for this development. A permanent one will be required for the structure itself and temporary permits will be required for any works that interact with the River Cynon during construction.

Drainage

With regards to the site drainage NRW note that there will be no associated foul water and that surface water will be treated before disposal to local water course – NRW offer no further comment on site drainage provided pollution prevention measures are employed during the construction phase.

Similarly, the Council's Drainage Section is satisfied with the scheme and has offered no objection.

Welsh Water/Dwr Cymru has offered no objection to the development subject to the inclusion of the following conditions:

No surface water shall be allowed to connect (either directly or in-directly to the public sewerage system.

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

No land drainage run-off will be permitted either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

The proposed development site is crossed by a number of public combined sewers and a public combined sewer overflow. No part of the building will be permitted within 7 metres either side of the centre line of the 1350mm public combined sewer overflow and 3 metres either side of the centreline of all other sewers crossing the site.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

Statutory Protected Sites

The proposed development is located approximately 1.3km from Waun Goch, Penrhiw Caradog SSSI. Considering the distance from the application site, NRW advise that the features of the SSSI are very unlikely to be affected by the proposals.

Design (including Visual Amenity)

Committee is advised that, in designing a bridge and associated infrastructure, the primary consideration is one of safety and longevity and, often times, design is a secondary consideration. That said, this road bridge will become an integral part of the local community for a significant period of time.

The development site itself has little intrinsic value in a landscape context, consisting mainly of scrub and improved grassland with the terracing of the western valley side reaching up to the traditionally built residential properties. The bridge itself would have the greatest visual impact on the wider landscape, though to the public and

from the closer populated areas it would be largely unnoticeable only being visible over longer distances across the valley and from the railway line and Cynon trail. The visual impact is further mitigated by the slender design elevation and the blending of the abutment walls with the railway retaining walls. Other than the bridge, the principal visual impact will be from the new retaining walls necessary to facilitate the widening of Miskin Road. This though will be largely mitigated by the fact that much of these features will be obscured by existing trees and overgrowth on the railway embankments and river banks and by the use of reclaimed and new locally sourced stone as a facing material.

In design terms, the original proposals were submitted for review by the Design Commission for Wales. While this application has not been submitted, many of the principles and recommendations have been incorporated into the final design of this scheme.

Where possible, the applicant has sought to use reclaimed and replacement materials that are sympathetic to the traditional materials used in the residential streets of the area (Pennant stone). Where “modern” materials are used (smooth concrete and steel) regard has been had to the appropriateness of its use in this location and its weathering properties which will help to keep it looking attractive without the need for extensive maintenance.

The scheme will also be the subject of landscaping, partly to restore the damage that will be done through the construction period and partly to soften the development and improve its attractiveness.

It is considered; having regard to the nature of the development, that the design of the bridge and the materials proposed, as well as the compensatory landscaping is acceptable.

No development shall take place 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 the 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 Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 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 Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Third Party Correspondence

At the time of writing the report, Committee is advised that one letter of objection has been received in respect of this application out of a total of 119 properties consulted (in addition to notices being placed on site and in the press).

A précis of these comments have been set out in the PUBLICITY section of this report.

The following comments are made in respect of the concerns raised:

Traffic data was collected at the start of the outline design phase of the scheme in Oct 2015 and for the traffic model, a small percentage for anticipated traffic flow increase was applied to the data for predicted flows many years ahead to cater for future growth. As the original traffic survey was conducted only 15 months ago and the remainder of the surveys well within 12 months, further traffic or any other impact surveys are deemed unnecessary prior to Planning Submission which was in January 2017.

Structural surveys to all properties abutting A4059 at Newtown are planned to be carried out prior to the construction phase as a matter of procedure. It is not currently anticipated that the walls will need to be strengthened for the reasons that the carriageway is not being widened towards the retaining walls.

There are currently no plans to develop off-carriageway bus stops and to develop traffic calming measures along the A4059 or change the existing formal crossing point nearest the New Road / Cwm Cynon Industrial Estate junction as part of this project as it is not considered that this proposal will exacerbate such issues; the general principle holds that the project will ease congestion and improve flows.

It will ease congestion on the A4059, especially at and north of Mountain Ash Town Bridge and also to divert traffic away from the built up B4275 across the valley onto the A4059, bringing traffic relief to the A4059, Mountain Ash Town centre and the Miskin, Penrhiwceiber area. It will reduce traffic heading northbound along the A4059 after Cwm Cynon, thus reducing congestion and improving traffic journey times. It will facilitate further enhancement of the town centre street scene by significantly relieving traffic flows, particularly northbound, in the town centre. It will improve access to existing and new businesses at Cwm Cynon Business Park, complementing the first phase of the link already constructed off the A4059. It will improve the connectivity within the Cynon Valley, and more widely within the region.

Regulation 3 of the Noise Insulation (Amendment) Regulations 1988 states that a Highway Authority is required to make offers of noise insulation to occupiers of residential properties where certain criteria are met. A total of 1280 properties were assessed in a recent Noise Assessment Report and the results show that 56 properties qualify for physical noise insulation measures in accordance with the

Noise Insulation (Amendment) Regulations 1998. The noise insulation measures will be drawn up during the next stages of the design.

Noise and Disturbance

Committee is advised that **this issue will be dealt with through Section 61 of the Control of Pollution Act 1964** rather than through the Planning Acts. Members are advised that this is a legitimate mechanism and some may recall that this method was used in the redevelopment of the Sobell site school / leisure development (as well as the recently approved Cwmaman School development). This mechanism is considered to be both more flexible and more capable of enforcement than the use of a planning condition and enables certain works to be carried out (such as internal works) outside of “normal” hours where the nature of the work is such that it will not cause any loss of residential amenity.

It is however considered necessary, on a project of this scale, to include a condition requiring the provision of wheel washing facilities in order to minimise any impact of the development on residents of the surrounding area

Facilities for wheel cleansing shall be provided before works commence on site in accordance with details to be submitted to and approved by the Local Planning Authority prior to any construction works commencing on site.

Reason: In the interests of highway safety.

COMMUNITY INFRASTRUCTURE (CIL) LEVY

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

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

CONCLUSIONS

In conclusion, a significant part of the proposal lies within the Cynon River Park and the bridge will have a direct impact on this environment. However, the applicants have addressed environmental issues in a cogent and comprehensive manner and their findings in this respect are reflected in the comments made above.

The scheme is expected to bring significant regeneration effects particularly in such areas as the relief of congestion and the creation of new development opportunities, and will improve the potential and perception of the town.

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 plans and documents listed in "Mountain Ash CVL - List of Planning Documents" (dated 06/03/17) 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 a Species, Habitat, River and Tree/Woodland Protection Plan for Construction has been submitted and approved in writing by the local planning authority.

The plan shall include:

- a) An appropriate scale plan showing 'Species, Habitat, River and Tree/Woodland Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed
- d) Details of specific species and habitat mitigation measures for key species including bats, birds, badgers, otters (including otter ledge), fish, amphibians and reptiles,
- e) Details of tree and woodland protection measures, and pre-construction tree management works
- f) Details of wildlife sensitive lighting proposals
- g) Details of water pollution control measures
- h) An agreed scheme of progress reporting to the Council during the construction programme.

Persons responsible for:

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

- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All subsequent 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 & AW8 of the Rhondda Cynon Taf Local Development Plan

4. No development shall take place until a Landscape Mitigation Plan has been submitted to, and approved in writing by, the local planning authority.

The Landscape Mitigation Plan shall include details of;

- i) Purpose, aim and objectives of the scheme;
- ii) A review of the plans ecological potential and constraints (ensuring integration with ecological and tree recommendations);
- iii) Details of the landscaping schemes, including;
 - a. species composition,
 - b. source of material (all native planting to be of certified British provenance and no wildflower rich seeds to be used),
 - c. techniques and methods of vegetation establishment (natural restoration),
 - d. method statements for site preparation and establishment of target habitat features;
 - e. extent and location of proposed works;
 - f. invasive plant control (especially Japanese Knotweed)
 - g. aftercare and long term management;
 - h. personnel responsible for the work;
 - i. timing of the works;
 - j. monitoring;

k. disposal of waste arising from the works;

All landscape works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

5. No development shall take place until details of a method statement for treatment and use of the Cynon Trail during the construction period has been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To minimise any impact of the development on this route.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

7. Prior to commencement of development, a Plan demonstrating:
- How surface and/or ground water is prevented from becoming contaminated with any materials generated on or brought to site, ensuring only clean surface and/or ground water drains in to the River Cynon;
 - Measures to treat any contaminated water generated on site so as to ensure only clean water discharges to the River Cynon (the plan will need to specify which mitigation measures will be deployed throughout the development phases until completion);
 - Measures to ensure mitigation methods deployed are working effectively until completion. All records relating to mitigation maintenance will need to be retained and be made readily available for inspection.

shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with any approved scheme.

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

8. No development shall take place 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 the 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 Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 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 Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of development, a European Protected Species Licence shall be obtained and submitted to the Local Planning Authority, or confirmation shall be submitted to the Local Planning Authority from Natural Resources Wales that such a licence is not required.

Reason: To ensure the protection of bats, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan

11. Prior to commencement of development, further site investigation shall be carried out in accordance with Paragraph 6.12 of the submitted Ground Investigation Report (Capita, November 2016) and the details submitted to, and approved in writing by, the Local Planning Authority, along with any requirements which need to be carried out as part of the development.

The development shall be carried out in strict accordance with any approval.

Reason: In the interests of public safety and to comply with the requirements of Planning Policy Wales and Policy AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from

accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No surface water shall be allowed to connect (either directly or in-directly) to the public sewerage system.

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

14. No land drainage run-off will be permitted either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

15. The proposed development site is crossed by a number of public combined sewers and a public combined sewer overflow. No part of the building will be permitted within 7 metres either side of the centre line of the 1350mm public combined sewer overflow and 3 metres either side of the centreline of all other sewers crossing the site.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

=====

| | | |
|----------------------------|--|--------------|
| APPLICATION NO: | 17/0160/10 | (CHJ) |
| APPLICANT: | Mr Graham Thomas | |
| DEVELOPMENT: | Single storey side extension | |
| LOCATION: | 10 GREENWOOD DRIVE, HIRWAUN, ABERDARE, CF44 9QZ | |
| DATE REGISTERED: | 03/02/2017 | |
| ELECTORAL DIVISION: | Hirwaun | |

RECOMMENDATION: Approve

REASONS: While the extension is much longer than would normally be associated with most householder developments, a significant proportion of the works are “permitted development” and therefore do not require planning permission.

A proportion of the remaining development takes the place of an existing garage and would have little additional impact on the neighbouring property. What remains is not considered to be of such an impact as to warrant a recommendation of refusal.

REASON APPLICATION IS REPORTED TO COMMITTEE

The application is being reported to the Development Control Committee as the applicant is a serving Member of the Council (Councillor Graham Thomas).

APPLICATION DETAILS

This is a detailed application for the erection of an extension to the side and rear of this detached bungalow in Greenwood Drive, Hirwaun.

The proposed extension sits predominantly to the northern side elevation of the property in the narrow gap between No.10 (the applicant's property) and No.8. It extends from the corner of the main front elevation running the complete length of the side of the house and continuing to take in the whole length of the rear garden area, in part wrapping around a small proportion of the existing rear elevation.

It will measure approximately 18.9 metres long by between 2.5 and 3.35 metres wide (it gets wider once the extension passes the main side wall of the applicant's property). The side elevation will measure 2.70 metres at its highest point. The side elevation will be set back 0.2 metres (approximately 8 inches) from the common boundary for most part although the projection at the eaves and rainwater goods will be up to the common boundary.

The extension will provide an enlarged kitchen and dining area, sitting room and garden room. The side elevation will feature three high level windows (facing the neighbouring property) and two sets of large patio style doors facing into the applicant's own garden.

The applicant proposes a matching concrete roof tile and facing brick, although has suggested that a rendered finish to the side elevation may be used.

In order to construct the new accommodation with a "pitched roof" (as opposed to a "flat" roof) it is necessary to raise the northern facing plane of the main roof (but not the ridge height) to incorporate the extension thereby creating an asymmetrical pitched roof when viewed from Greenwood Drive.

As a result of this extension the garage, located in the rear garden, will be removed and a driveway / hard-standing proposed in its place.

SITE APPRAISAL

The property faces onto Greenwood Drive at the front and backs onto the cul-de-sac of Moorland Close.

There is a large conifer hedge between the applicant's and the neighbour's properties. This will be removed in order to construct the extension.

The application property is relatively flat in profile.

Greenwood Drive sits within a relatively modern housing estate characterised by a variety of property types.(detached, semi-detached and link) and in both single (bungalow) and two storey designs.

The properties are predominantly finished in facing brickwork with concrete tile roofs.

PLANNING HISTORY

None of relevance to the consideration of this application.

PUBLICITY

Five neighbouring properties were notified in respect of the application. One objection has been received (via a solicitor) from the occupiers of No.8 Greenwood Drive.

The material planning considerations contained therein are summarised as follows:

1. Overbearing impact, especially on the garden area.
2. The three windows on the side elevation will result in a loss of privacy.
3. The extension would restrict the ability for the neighbour to extend their own property.

CONSULTATION

None required.

POLICY CONTEXT

The application site lies inside the settlement limits of Hirwaun and is not allocated for any specific purpose.

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 make a positive contribution to place-making.

SPG

- Design & Place-making
- A Design Guide for Householder Development
- Access Circulation & Parking.

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions, Chapter 4 (Planning for Sustainability) and Chapter 8 sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other Relevant Policy Guidance

- PPW TAN 12 – Design
- PPW TAN 18 – Transport
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

The proposal comprises of a very long and narrow extension to the side and rear of a detached bungalow on a housing estate that is largely typical of others found in many other towns and villages throughout the country.

It would be preferable, in design terms, for any extension to sit squarely in the rear garden are however, the internal layout of the bungalow means that this would not be possible without extensive remodelling of the whole property.

The choice of materials proposed are considered acceptable and while the asymmetrical roof that is proposed to accommodate the extensions is a little incongruous, the span is not so significant as to look so out of character as to warrant a recommendation of refusal.

The principal issue in the consideration of this application is considered to be one of residential amenity and its impact on the occupiers of No.8 Greenwood Drive. No other property is considered to be affected by this development.

While the massing and design of the extension is not ideal, regard must be had to what the applicant can do without planning consent under the house-holder "permitted development rights."

All of the proposed side elevation from the main front corner to the rear corner elevation would be "permitted development". Additionally and additional 4 metres of extension past the rear elevation is also "permitted development". All of this work would include the three windows that the occupier of the adjoining property has specific concerns over. This would leave the last 6 metres of the extension specifically requiring planning consent. Of this remaining 6 metres, approximately 3.5 metres of it will sit in the same location as the existing garage – which is a feature that is shared with the affected property. While this garage will need to be removed to construct the extension, its position on the boundary will mean that it is unlikely that the extension will have any significant additional impact over and above that which already exists. Of the final 2.5 metres, some of this sits beyond the existing garages, and while being within the curtilages of both properties, does not form an integral part of their usable rear garden areas and would not have such an impact on the occupiers of No.8 (being the point furthest away from the house) such as to warrant a refusal.

That said, Committee is entitled to determine any application that is submitted. While the “permitted development” argument is a fundamental material planning consideration in the consideration of this application, it is not to say that the extension won’t have a impact on the neighbouring property. It is clear that the length of the extension would have a significant impact on the garden area of No.8 although, it should be noted that there is a high conifer hedge between the two properties that would appear to have as much impact as the extension would, and, given the maturity of the hedge would appear to have been in place for some time.

It is considered that the three windows proposed to the boundary, while being at high level, will have the propensity to cause a significant loss of amenity to the neighbours, especially in their garden area. In light of these concerns, it is considered reasonable to impose a condition that the glazing in these windows is heavily obscured and that it shall remain in place for as long as the extension is in beneficial use (i.e. is still there). In addition, it is considered reasonable to impose a condition that requires these windows to be non-opening, both to prevent disturbance from noise within the extension but also to prevent views into the neighbour’s garden area when they are in an open position. A check with the Council’s Building Control Section has not identified any requirement for these windows to be operable for either ventilation or fire escape purposes.

The neighbour suggests that the extension would prevent / restrict them from constructing their own extension in their garden area in the future. It is not clear from the letter whether the owners have any specific plans or whether it is a hypothetical scenario. Whichever is the case, it is unlikely that it would prevent them from doing so as none of the proposed extension crosses the common boundary.

The existing garage is being lost to make way for the new extension. A new driveway / hard-standing is being proposed. Discussion with the Council’s Transportation Section has concluded that the access is considered acceptable and likely to be used more than the existing garage.

CONCLUSIONS

While the extension is far from ideal and the concerns of the neighbour are understandable, taking into account the existing internal layout of the property itself and what the applicant could do under permitted development rights, it is considered that the application is acceptable subject to the imposition of conditions to minimise, as so far as is possible, the impact on the garden area of the adjoining property.

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. Building operations shall not be commenced until samples of the roof tile and external wall finishes proposed to be used have been submitted to and

approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

=====

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 MARCH 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File