

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2016-20

**DEVELOPMENT CONTROL
COMMITTEE**

16 MARCH 2017

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No. 6

**SITE MEETING
APPLICATION NO: 16/0771 –
PROPOSED RESIDENTIAL
DEVELOPMENT WITH NEW LOCAL
CONVENIENCE STORE, CAR PARKING
AND ACCESS (REVISED PLANS AND
REPORTS RECEIVED). REVISED PLANS
(SITE PLANS, WALK UP FLATS, SITE
SECTIONS, LETTER REGARDING
PEDESTRIAN ACCESS LINK AND
BOUNDARY TREATMENT STATEMENT
RECEIVED 26/01/2017, FORMER
HIRWAUN NURSERY, HIRWAUN
ABERDARE**

Author: Mr.M.JONES, Democratic Services Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director Planning.

3. BACKGROUND

3.1 In accordance with Minute No. 132 (1) (Development Control Committee, 16 February 2017), a site inspection was undertaken on Thursday, 2nd March 2017 to consider the impact of the proposed development on the highway network and surrounding area.

3.2 The meeting was attended by the Vice Chair of the Development Control Committee (County Borough Councillor M.Griffiths) and Committee Members - County Borough Councillors P. Jarman, (Mrs) S.J.Jones,

G.P.Thomas and (Mrs) J.S.Ward. Non-Committee/Local Member for Hirwaun - County Borough Councillor K. Morgan was also in attendance.

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors, P.Jarman, C.J.Middle, S.Rees, G.Smith, G.Stacey, P.Wasley, M.J.Watts and E.Webster.
- 3.4 Members first viewed the application site from Brecon Road and were advised by the Development Control Officer that full planning permission is sought for the construction of a residential development which comprises of 8 one bedroom walk up flats, 1 two bedroom adapted bungalow, 2 three bedroom dwellings and 1 four bedroom dwellings, along with a new local convenience store. 17 car parking spaces would be provided for the residential units and 14 car parking spaces, 2 of which would be used as delivery parking bays intermittently for the retail unit (the development was highlighted by a map available at the site visit).
- 3.5 Members discussed the impact of the development on Parking and Highways Safety and considered whether the levels of parking at the site were sufficient. It was considered that the lack of parking facilities could result in an overflow of parking along Brecon Road. In response, the Highways Development Control and Adoptions Manager stated that a reasonable level of parking has been provided and double yellow lines would also be implemented at the new junction and the site frontage abutting Brecon Road to prevent on-road parking. The Highways Development Control and Adoptions Manager also stated that the proposal has been reviewed in terms of access, circulation, parking and impact on highway capacity, operation and safety and considered acceptable subject to a number of conditions contained within the report.
- 3.6 The Landscape Officer raised no objection to the proposed development.
- 3.7 The Designing out Crime Officer expressed concerns in relation to the number of accesses to the site which could make easy escape routes for criminals in the event of a burglary.
- 3.8 Members of the Committee viewed the site from High Street, to consider the narrow strip of land that in the past provided access to the school that formerly occupied the site. Members considered the merits of re-opening the access to provide a shorter route for customers accessing the retail store against the concerns of the Designing out Crime Officer.
- 3.9 Following discussions, Members felt it was necessary for South Wales Police and the Developer to meet with the Local Member to further consider the access from High Street.

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

RECOMMENDATION: Approve

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

The proposed development is considered acceptable in terms of scale, layout, design and its impact on the residential amenity of neighbouring properties. The proposal is also acceptable in terms of highway safety and parking.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

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

The housing will comprise:-

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

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

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

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

The convenience store will front onto Brecon Road with a gross floor area of 466 sqm. The store will be rectangular in shape, part single and part two storeys in design, with a flat roof. The layout will comprise a 279m² retail sales area on the ground floor, with a delivery holding area and refuse store located towards the rear of the building. The first floor will comprise a bakery, office, staff room and toilet. Air conditioning and air condensing units will be located on the flat roof; a parapet wall will assist in restricting views of these units. A trolley bay and cash machine will be located at the front elevation of the unit. The store will have 14 parking spaces for customers, two of which will be disabled friendly and two spaces will be utilised as an intermittent loading bay. A cycle store for 12 bicycles will also be provided.

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

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

- Planning Statement;
- Design and Access Statement;
- Noise Impact Assessment
- Transport Statement
- Drainage Strategy
- Geo Technical and Geo Environmental Report

SITE APPRAISAL

The site was formerly occupied by Hirwaun Nursery School, which closed in 2005. The site is roughly rectangular in shape, measures 4003 sqm and has a frontage of 74 metres along Brecon Road. It has a narrow strip of land, which in the past provided pedestrian access from the rear of the site through to High Street/Heol Uchel. The boundary line with adjoining properties is clear and well

defined by a stone wall along the entire perimeter. The difference between the highest and lowest points of the site is 2.75m, the highest point being at the centre of the plot.

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

PLANNING HISTORY

There is no planning history in relation to this site.

PUBLICITY

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

Parking, traffic, highway and pedestrian safety

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

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

Residential amenity

- Loss of privacy to kitchen window and porch at Maes y Garreg. Require bungalows to be repositioned so that privacy is maintained.
- Unit 5 will dominate 'Rowancroft' which is approximately 9 feet below the site reducing light and directly overlooking lounge window.
- Inconvenience of opening and closing times, plus deliveries often made at unsocial hours which will have a major impact on local residents in terms of noise and disturbance.

Visual Impact

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

Other issues

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

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

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

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

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

CONSULTATION

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions.

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

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

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

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

South Wales Fire and Rescue Services - no response received within the statutory consultation period.

Structural Engineer – no objection.

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

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

Policy CS4 defines housing land requirements

Policy CS5 requires provision of affordable housing

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

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

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

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

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

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

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

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

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

National Guidance

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

Planning Policy Wales

Chapter 3 (Making and Enforcing Planning Decisions),

Chapter 4 (Planning for Sustainability),

Chapter 7 (Economic Development),

Chapter 8 (Transport),

Chapter 9 (Housing),

Chapter 10 (Planning for Retail and Town Centres),

Chapter 12 (Infrastructure and Services),

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

Manual for Streets.

Relevant Supplementary Planning Guidance

- Design & Placemaking

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

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

Main Issues:

The planning policy position

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

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

Retail Impact Considerations

The proposed 'convenience store' comprises a retail unit with a new sales area of 279 sqm. The site is detached from the existing retail centre of Hirwaun; however, High Street is already connected by Cross Street to Brecon Road only a short walk away. The proposal seeks consent for neighbourhood scale retail provision that would fall well below the threshold for formal impact assessment. There are no known sites closer to the retail centre that would be suitable and available for the proposed retail store. In this case the applicant has advised that for the deliverability of the affordable housing to be financially viable 'it is necessary to include an element of retail development along the site frontage.

The Co-op trade currently from a unit at 62a Tramway, to the south of the application site. This store is small and its physical constraints, lack of dedicated servicing and parking provision mean that it is no longer suited to Co-op's operational requirements'. The proposed development would therefore ensure that an existing facility close to the retail centre of Hirwaun is maintained/improved and the small scale A1 use proposed is not considered a threat to the existing centre of Hirwaun. The proposed 'convenience store' would therefore accord with the provisions of the Local Development Plan.

Impact on Residential Amenity

Three sides of the site have boundaries with residential properties (some a mixed commercial residential use) which are located in close proximity to the application site. It is acknowledged that the proposed development will impact on the residents of these properties through an intensive development of a site that has been vacant and cleared for some time.

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

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

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

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

Impact on the Character and Appearance of the area

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

Highway Considerations

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

The Transportation Section has considered the proposed development and has not raised any objection. In arriving at this conclusion highway officers have given careful consideration to the key issues that affect the proposal, including the Transport Statement submitted in support of the application and

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

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

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

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

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

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

The retail unit requires up-to a maximum of 1 space per 20m² GFA and 2 commercial vehicular parking spaces taking the maximum required to 23 car parking spaces and 2 commercial spaces. The proposal provides for 14^{no} retail spaces 2 of which are to be used as delivery parking bays intermittently.

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

There is concern that due to the shortfall in the maximum parking standards for the retail unit (9 spaces) customers and deliveries would park along the site

frontage (Brecon Road) and the new proposed access road to the detriment of the safety of all highway users and free flow of traffic. Should vehicles park to the front along Brecon Road then vehicles exiting the junction opposite would be forced to turn into a single lane carriageway into the path of on-coming traffic due to on-street car parking with sub-standard visibility to the detriment of safety of all highway users.

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

It is therefore considered that subject to conditions the proposed development is, on balance, acceptable in terms of highway safety and parking and accords with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

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

The existing access lane between the site and High Street

The request from the Community Council and residents that the access between the application site and High Street is reopened is acknowledged. As part of negotiations between the developer and officers amended plans were received that proposed to re-open the access to provide an improved link between the application site (in particular the convenience store) and the village centre and library car park. However, following consultation in respect of the proposal to re-open the footpath access South Wales Police has advised that their previous comments when no objection was raised have changed. They advise that the opening of the footpath which connects the site with High Street/Heol Uchel would not reach the required criteria to achieve Secured by Design. The developer having reviewed the comments from South Wales Police has further revised the scheme to keep this access footpath closed. They point out that affordable housing developments must comply with Secure by Design to ensure grant funding is secured and are therefore obliged to follow the advice given by South Wales Police and leave the footpath access closed. Although officers would prefer to see the access re-opened to provide a pedestrian link to the village centre, the concerns of South Wales Police and the developer's position are acknowledged. It is considered that keeping this footpath access closed would not be reason to warrant the refusal of this application and note as South Wales Police point out that there are existing connections between Brecon Road

and High Street/Heol Uchel only a short walk away via Cross Street and Harris Street.

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

Drainage

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

Noise from retail unit

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

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

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

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

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

Site Investigation

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

Public Health and Protection

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

Concerns not addressed earlier in the report

- The Community Council has expressed a preference that they do not wish to see the existing Co-op as another retail store. It is acknowledged that the existing store can be converted to another A1 use without planning permission; however, it is unlikely due to competition between uses that the Co-op would sell the existing property for use as another retail store.
- There is no evidence that existing one-bedroom flats are causing a problem to the area and there is a proven demand for this type of dwelling in Hirwaun.
- The level of public consultation that included 31 direct neighbour notification letters, a press notice and the erection of five site notices is considered acceptable.
- The concern that the land was given to the village for a school and should be retained as land for the public benefit of the village is noted. However at the time of the submission of this planning application the land is within private ownership and the applicant is looking to secure the land should planning permission be granted.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended). The residential element of the proposed development lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable. The application also constitutes Class A1 retail development creating over 100 sqm of floor space, where there is a liability of £100/sqm. The CIL (including indexation) for the retail element of this development is expected to be £61,268.62

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing in a sustainable location within the settlement boundary. Following the receipt of revised plans the impact of the proposal on the residential amenities of adjoining dwellings is considered acceptable. The proposal is also acceptable in terms of the location of the convenience store, the impact of the development in terms of highway and pedestrian safety and parking and in terms of appearance.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents.

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

November 2016

Unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

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

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

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

Reason In the interests of the residential amenities of neighbouring dwellings to accord with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the new development will be visually attractive and

secure in the interests of amenity and safety in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

- i) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

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

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

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

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be

submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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