

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**DEVELOPMENT CONTROL
COMMITTEE
22 JUNE 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No 6
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No: 15/1228 - Reserved Matters application for the second phase of works comprising the construction of 30 new dwellings, including 4 new affordable dwellings and associated roads and infrastructure. (additional information received 14 July 2016) (Amended description 02 August 2016), land adjacent to Farm Road, Heol Ty Aberaman, Aberaman, Aberdare.
2. Application No: 16/1181 - Conversion, extension and change of use from Public House (A3) to 4 no. student flats with amenity / service area to rear, The Bridge Inn, Bridge Street, Treforest, Pontypridd.
3. Application No: 16/1330 - Our temporary planning permission has expired. We wish to extend this for a further three years. We wish to apply for further temporary planning permission to retain the containers on site to support the current business. We do not wish to make any changes or amendments. Our intention is to purchase the land within 12-24 months allowing us to apply for separate permanent planning permission of a building in order to make the business sustainable. Original planning reference number - 12/0509/10, The Prairie, Mynachdy Farm, Ynysybwl, Pontypridd.
4. Application No: 16/1346 - Proposed erection of two garages and a container/shed. Change of use of recently purchased land to additional garden. (amended plans received 06/02/17), 8 Bryn Ffynon, Trebanog, Porth.

5. Application No: 16/1371 - Residential development for 4 dwellings (Amended site layout plan received 15/04/17), Former Bottling Plant, Botanical, land adjacent to The Paddocks, Aberaman, Aberdare.
6. Application No: 16/1399 - Proposed extension to existing industrial unit for egg packaging plant, Unit 45, Hirwaun Industrial Estate, Hirwaun, Aberdare.
7. Application No: 17/0024 - Erection of boundary fencing, terracing and shed to front garden, 134 Kenry Street, Tonypany.
8. Application No: 17/0235 - Outline application for a detached dwelling on the north east side of Havachat Bungalow, Havachat, Cardiff Road, Mwyndy, Pontyclun.
9. Application No: 17/0326 - Variation of condition 1 of planning consent ref: 13/0988/13 to permit a period of a further 3 years for the submission of Reserved Matters for a single dwelling house, Tyberw, Hafod Lane, Pantygraig-Wen, Pontypridd.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 15/1228/16 (GD)
APPLICANT: Davies Developments Ltd
DEVELOPMENT: Reserved Matters application for the second phase of works comprising the construction of 30 new dwellings, including 4 new affordable dwellings and associated roads and infrastructure. (additional information received 14 July 2016)(Amended description 02 August 2016)
LOCATION: LAND ADJACENT TO FARM ROAD, HEOL TY ABERAMAN, ABERAMAN, ABERDARE, CF44 6AX
DATE REGISTERED: 14/07/2016
ELECTORAL DIVISION: Aberaman South

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is well established as acceptable through the earlier grant of outline planning permission on more than one occasion. The proposals are otherwise acceptable in terms of all other material planning considerations and the proposed development would make a substantive contribution to housing supply in the north of the County Borough.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Reserved matters approval on all matters is sought pursuant to outline planning permission 08/1911/13 for the final phase of development at Heol Ty Aberaman. The proposal will comprise a total of 30 dwellings made up of 2no flats, 8no. semi detached houses and 20no detached houses.

The proposal will comprise the following: –

- 3no. Knightsbridge 4 bedroom detached properties.
- 3no. Llandovery 5 bedroom detached properties.
- 6no. Ascot 3 bedroom semi-detached properties.

- 5no. Radleigh 4 bedroom detached properties.
- 4no. Lynton 4 bedroom detached properties.
- 3no. Hereford 3 bedroom detached properties.
- 2no. Harrogate 4 bedroom detached properties.
- 2no. affordable 3 bedroom semi-detached properties for sale on the Council's homestep programme, and
- 2no. 1 bedroom flats for social rent.

Those houses that are not designed with integral garages will be provided with detached single or double garages depending on the house type in addition to an appropriate level of off road parking provided on private drives.

Access to the site will be derived via the Heol Ty Aberaman junction with the cross valley link road as per phase 1 of the development, with the new access road extending into this phase immediately north east of the phase 1 boundary. Thereafter the site will be served from one central cul de sac with a series of private drives servicing the balance of the development.

As part of the current proposal a flow channel will be created along the north western boundary of the site to bolster flood defences for the second phase of development.

The development will be constructed off a relatively flat plateau which involves raising land levels across the site by between 20cm and 1.8m with the consequent effect the rear gardens of the properties on plots 10 – 17 on the north eastern boundary of the site will be stepped downwards in that direction.

SITE APPRAISAL

The application site occupies an area of the valley floor on the southern side of Farm Road Aberaman. Ty Aberaman was originally built as a house and in more recent times had been office accommodation. The property had been vacant for a number of years and had fallen into disrepair and dereliction often as a consequence of vandalism prior to its demolition. The site comprises the site of the original house set in its own grounds, associated former stable block (which is also a listed building and lies outside of the planning application boundary in this case.) and areas of garden, planting and hard surfaced areas that had previously served as car parking. Where the site abuts Farm Road it is relatively flat though beyond that it falls away in a broadly south-easterly direction. The principal means of access to the site is from Heol Ty Aberaman to the south there is also a secondary gated access on its northern boundary with farm road.

PLANNING HISTORY

15/1066	Variation of conditions to allow extension of time for the submission of reserved matters and removal of code for sustainable homes conditions	Approved 2/08/16
08/1911	Residential development – outline application	Approved 20/02/12
51/92/0071	Block of six garages	Approved 6/03/92
51/89/0653	Laboratory Building	Approved 19/12/89
51/85/0363	Retention of tipping of hardcore to facilitate future industrial development of the site	08/1911
51/84/0507	Retention of tipping of hardcore to facilitate future industrial development of the site	Approved 23/09/85
51/74/0358	Depot and offices	Approved 18/09/74
51/74/0359	Builders depot and offices	Approved 18/09/74

Related and relevant applications on adjacent land.

13/1335	Variation of conditions of consent 11/0199 relating to finished levels for the site and a revised hydrological assessment	Approved 21/02/14
12/1263	Approval of reserved matters residential development	Approved 02/04/14
11/0199	Variation of condition to allow further time for the approval of reserved matters	Approved 10/02/12
08/1742	Approval of reserved matters for 50 no. dwellings	Approved 10/08/09
03/1327	Residential development – outline application	Approved 16/11/05

PUBLICITY

The application has been advertised by means of press notice site notices and neighbour notification letters and to date no observations or objections have been received.

CONSULTATION

Transportation Section – no objections subject to conditions.

Drainage – raise no objections subject to conditions.

Public Health & Protection – have no comments to make in respect of the application.

Natural Resources Wales – have expressed significant concerns with regard to the proposed development and recommend that prior to the issuing of consent that the matter be referred to the Welsh Government on the basis that the site lies within the C2 floodplain. Ultimately though NRW raise no objection to the proposals subject to suitable conditions being imposed.

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

Western Power Distribution – no observations received.

Wales & West Utilities – raise no objections to the proposed development and advise with regard to the location of their apparatus in proximity to the site and safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – raise no objections to the proposed development subject to the developer ensuring the provision of adequate water supplies on site for fire fighting purposes and ensuring appropriate access arrangements for fire fighting appliances.

Countryside Section – have no comment to make in respect of the proposed development.

Education – have no comments to make in respect of the proposed development.

South Wales Police – have no objections to the proposed development and make certain recommendations in line with secured by design requirements.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for achieving strong sustainable communities in the northern strategy area.

Policy AW1 - supports the provision of new housing on unallocated land within settlement limits and the provision of affordable housing.

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

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

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

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

Policy NSA10 - places a density requirement of 30 dwellings per hectare on new residential developments.

Policy NSA11 - requires the provision of affordable housing.

Policy NSA12 - sets a series of criteria that new residential development within settlement limits of the Northern Strategy Area.

Supplementary Planning Guidance

Design & Placemaking

Affordable Housing

Access Circulation & Car Parking

Development of Flats

Employment Skills

National Guidance

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

Planning Policy Wales

Chapter 2 (Development Plans),

Chapter 3 (Making and Enforcing Planning Decisions),

Chapter 4 (Planning for Sustainability),

Chapter 8 (Transport),

Chapter 9 (Housing),
Chapter 12 (Infrastructure and Services),
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The main issues in the determination of this application for approval of reserved matters are the impact of the proposed development on the character and appearance of the area, the impact on residential amenity and privacy, Environmental considerations along with access and highway safety issues.

In that the site has a long history of consent and renewal of consent stretching back for more than ten years it is considered that the principle of residential development on this site is and remains acceptable in planning terms.

Impact on the character and appearance of the area

The existing locality lies at the southern end of Aberaman is largely characterised by relatively new housing similar to that currently proposed that has been developed on the adjacent former rugby club site and on the first phase of this development. Elsewhere Farm Road constitutes a mixture of modern dwellings of various types and sizes and traditional stone built houses. The former Aberaman house was

demolished approximately eight years ago and its site now lies vacant. In light of the above the proposed development is regarded as a continuation of the renewal of this part of Aberaman in a manner that is consistent with its evolving character and appearance. The need to raise levels at the site and create a flood channel given the now more stringent requirements of Natural Resources Wales, does alter the pattern of development somewhat from that initially envisaged it remains however acceptable, particularly so given the appropriate approach taken to dealing with the variation in levels at the north eastern boundary of the site. Further, the renewal that this development would bring would improve and enrich the existing situation and as such the proposal is considered compliant with key aspects of policies AW5, AW6 and NSA12 of the Local Development Plan.

Impact on residential amenity and privacy

Within itself the application site comprises detached, semi detached properties and two flats all of which are set within their own plots which contain generous garden space and off street car parking facilities. Thus they offer a level of amenity that is the equal or better of any new housing scheme currently under construction in the Aberdare area. The location of the proposed development along with the creation of a flood flow path on the northern boundary of the site is such that the proposed houses are sufficiently distant from existing established properties that their impact could only be considered acceptable in planning terms. Within itself the site defines its own privacy standards which are acceptable as good distances between the windows of habitable rooms are maintained and there is no overlooking of adjacent plots beyond what would normally be expected of a new housing development. In relation to established housing, the site is sufficiently distant and orientated in such a way as to raise no concerns in respect of privacy or amenity of the nearest established properties on the southern side of Farm Road, though inevitably the new development would represent a considerable alteration in their outlook.. Consequently the proposed development is considered acceptable in relation to certain key aspects of policies AW5, AW6 and NSA12.

Environmental issues

With regard to the issues of land contamination and ground stability the applicants have submitted and had agreed under the first phase of this development a site investigation report that covers both issues for both phases of the development and as such these issues need be pursued no further.

The situation with regard to flooding has altered through the course of this submissions consideration inasmuch as Natural Resources Wales have belatedly insisted on the developers achieving a higher standard of flood security than had previously been submitted and agreed under earlier flood consequences assessments that had been submitted in support of the development of the site. This requirement has resulted in the submission of the latest iteration for the development of phase 2 of the site that has resulted in the creation of a flood flow path along the northern boundary of the site and the rearrangement of the layout of phase 2 of the development. As well as offering better protection for the proposed

houses the creation of the flow path will also improve the flood resilience of the listed stables which are to be converted into dwellings and Natural Resources Wales have now indicated that they are content with this arrangement subject to conditions securing the development of the site in accordance with the most recent flood consequences assessment and the development of a management plan for the proposed flood relief channel.

Members will note that it has also been suggested that the proposal be referred to the Welsh Government prior to the issuing of any consent. The relevant statutory instrument is The Town and Country Planning (Notification) (Wales) Direction 2012.

The Direction requires referral to the Welsh Ministers where a development site is located entirely on C2 floodplain and “applies to any application for planning permission which the planning authority does not propose to refuse” An application for reserved matters is not an application for planning permission. It is an application for details which have not been given consent in the outline application so far as they relate to (a) access (b) appearance (c) landscaping (d) layout and (e) scale. If the intention of the Direction was to catch applications for reserved matters then the Welsh Ministers would have specified that in the Direction as they do separately define what reserved matters are in the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 under which the Direction is made.

As such there is no requirement in this instance to refer the current proposals to the Welsh Government. Members are advised that adopting this position does not preclude Welsh Government from calling in the application themselves and neither does it prevent Natural Resources Wales from asking the Welsh Government to call the application in.

The site sits adjacent to the listed stable block that was formerly part of the Ty Aberaman complex and the proposed development does inevitably have an impact on its setting. Members should first note that the former stable building itself has the benefit of a listed building consent and planning permission for its renovation and conversion to 5no dwellings. Policy requires that the impact of the proposal on the historic or architectural merit should be considered. In this case the building itself is unaffected by the proposal though its setting is (which is currently sitting between the first phase of this development which is largely complete and the second phase which is now under consideration). However, given the proposals for the conversion will involve the creation of new garden space around the stables to be converted to homes and parking space to the front of it, the creation of similar features around new housing cannot be regarded as detrimental to its setting as it reflects it. As such members are advised that the proposals are considered compliant with Local Development Plan policy AW7.

Access and highway safety

With regard to issues of access and highway safety, Members should first note that subject to the imposition of relevant conditions being included in any permission granted the Transportation Section have no objections to the proposal. The site already benefits from a modern access through and from Heol Ty Aberaman and the proposals for internal roads and shared and individual private drives with traffic calming measured clearly built in, are acceptable in terms of their design, size and location. Additionally, car parking is provided to an acceptable standard and in a safe manner. Consequently the application is regarded as acceptable in terms of key elements of policies CS1 and AW5 of the local development plan.

Community Infrastructure Levy (CIL) Liability

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

The outline permission in respect of this development (which is the day planning permission was granted) was prior to 31st December 2014 therefore there is no CIL liability.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

In this instance Section 106 requirements were set out initially at the original grant of outline planning permission and have been carried forward in a revised form that reflects current requirements in the renewal of outline planning permission ref:15/1066. Consequently there is no further requirement for the provision of a Section 106 agreement under this application which seeks approval of reserved matters.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of all key issues associated with the development given that the actual principle of development has been long established in the grant and renewal of outline planning permission. Further, consenting to the reserved matters in this case will reinforce housing supply in the locality and bring further certainty to the delivery of much needed quality housing in the mid Cynon valley area.

RECOMMENDATION: Grant

1. Other than as modified by subsequent conditions of this consent, the consent hereby granted relates to the following plans:

- The site location plan drawing no. DH/AH2/101
- The site layout plan drawing no. DH/AHP2/100 received 6th April 2017
- The proposed floor and road levels drawing no. DH/AH2/200 Rev A
- Radliegh house type drawing no. DH/AH2/RAD
- Llandovery house type drawing no. Dh/AH2/LLA
- Knightsbridge house type drawing no. Dh/AH2/KNL
- Hereford house type drawing no. DH/AH2/HE2
- Harrowgate house type drawing no. DH/AH2/HAR
- Lynton house type drawing no. DH/AH2/DOR
- Ascot house type drawing no. DH/AH2/ASC
- Homestep affordable house type drawing no. DH/AH2/AFF
- One bed flat drawing no. DH/AH2/2.1.1.

Reason: for the avoidance of doubt as to the approved plans.

2. The levels shown on approved drawing no. DH/AH2/200 are only approved insofar as they relate to finished levels for the roads and finished floor levels for the houses. Further details of the finished garden levels for plots 10 – 17 inclusive shall be subject to the submission and agreement in writing with the Local Planning Authority prior to the commencement of works of construction of those dwelling and thereafter implemented before the

occupation of any of the dwellings to be provided on plots 10 – 17.

Reason: To further define the extent of the consent hereby granted and to ensure that the eastern/north eastern boundary of the site has an acceptable visual impact in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the detail contained in conditions of consent associated with the grant of outline planning permission, the development shall be carried out entirely in accordance with the requirements of the flood consequences prepared for the site by C.D. Grey Ref:CDGA-9045-REP01-FCA-R5 dated February 2017 and the following mitigation measures detailed within the flood consequences assessment:-

- The proposed flood mitigation measures as indicated in section 10.7 and figure 10.7 of the FCA, must be fully implemented before completion of the ground raising to facilitate the plateau within the proposed development site.
- The development plateau must be constructed to level of 117.45m AOD (metres Above Ordnance Datum); and
- Finished floor levels are set to a level between 118.00 and 118.50m AOD (metres Above Ordnance Datum).

Reason: To ensure the site is developed with an acceptable level of protection from flooding in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the first occupation of any dwelling hereby approved there shall be submitted to the Local Planning Authority a long term maintenance and management programme for the proposed flood relief channel. The management and maintenance programme shall include details of inspection and maintenance for the channel. The agreed programme will be fully implemented in the terms agreed.

Reason: To ensure the site maintains an acceptable level of protection from flooding in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. 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.

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

7. Construction works on the development shall not take place other than during the following times:
- i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

9. 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.

=====

APPLICATION NO: 16/1181/10 (PB)
APPLICANT: Mr K Jenkins

DEVELOPMENT: Conversion, extension and change of use from Public House (A3) to 4 no. student flats with amenity / service area to rear.

LOCATION: **THE BRIDGE INN, BRIDGE STREET, TREFOREST, PONTYPRIDD, CF37 1TE**

DATE REGISTERED: 16/11/2016

ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve

REASONS:

Residential conversion and extension of this vacant public house situated within a predominantly residential area is acceptable as a matter of principle, and will secure a sustainable use for a building that is falling into a state of neglect and disrepair. The proposal will not impact unduly on the character and appearance of the area, nor will it give rise to any undue loss of amenity and privacy to the occupiers of neighbouring dwellings. Although no off-street parking is provided with the development, the property is situated in a sustainable location within easy walking distance of public transport links and local facilities and services, including the University of South Wales.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee at the request of Councillor Powderhill to consider the consequences of the proposal for the character and appearance of the area where a significant number and proportion of properties are in use as houses in multiple occupation.

APPLICATION DETAILS

The application seeks planning permission for the conversion and extension of the Bridge Inn Public to 4 student flats with an amenity / service area to the rear. The proposal will involve the construction of a first floor extension to the single-storey annexe to the rear of the main public house building. The rear annexe also will be increased in width so that its eastern elevation (facing the railway line) will be flush with the eastern gable of the main building. The extension will be constructed to match the eaves height of the main building and the ridge of the roof will just below that the main building but greater than the neighbouring terraced houses. The whole building, as extended, will be reconfigured as 4 self-contained student flats, two on each floor. The ground floor will comprise one 4-bed flat (73 sqm) and one 3 bed flat (60 sqm), and the first floor will comprise one 4-bed flat (85 sqm) and one 2-bed flat (51 sqm). Access to all flats will be via a communal lobby off the Bridge Street frontage.

SITE APPRAISAL

The application property comprises a comparatively large, vacant public house with ancillary living accommodation on the first floor, and is situated in a tightly-knit residential area characterised by small terraced houses and narrow streets. The building is L-shaped and adjoins a pair of terraced houses in Saron Street, which also but right-up against one side of the rear annexe of the public house. There is a small enclosed yard area to the rear of the public house with access off Saron Street. The eastern boundary of the application site is marked by the embankment to the Cardiff to Merthyr railway line.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application which also has been the subject of site notice and a press notice.

No public response has been forthcoming.

CONSULTATION

Transportation Section – no objection subject to conditions.

Land Reclamation & Engineering – no objection, surface water drainage condition recommended.

Public Health & Protection – comments on matters of demolition, construction hours, noise, dust and waste.

Parks, Countryside & Ecology – bat survey protocol may be triggered.

Dwr Cymru/Welsh Water – no surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system so as to prevent hydraulic overloading of the public sewerage system.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

Policy AW8 – protects Rhondda Cynon Taf’s distinctive natural heritage from inappropriate development.

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing) set out the Welsh Government’s policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
Manual for Streets

Supplementary Planning Guidance: Nature Conservation (March 2011)
SPG: Development of Flats – Conversion and New Build.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application site lies in settlement limits and is unallocated as defined in the Rhondda Cynon Taf Local Development Plan (LDP). The key issues in this case are therefore the principle of the development in relation to prevailing planning policies and the consequences of the proposal for the character and appearance of the area, the amenity and privacy of neighbours and for highway safety.

Principle of the proposed development

The Bridge Inn is a vacant Public House in a residential area of Treforest. It is falling into a state of neglect and disrepair and, despite being on the market for quite some

considerable time, shows little prospect of re-opening as a public house or similar use. In view of the building's location within a predominantly residential area, its conversion to residential use is the most appropriate alternative to its continued use as a food and drinks venue. Given the large size of the building its proposed conversion to multiple residential units likewise is not unexpected. In general terms, planning policy encourages appropriate, sustainable re-use of redundant buildings, including their adaption and extension where necessary. In principle the proposed development is acceptable unless outweighed by any other material consideration.

Impact on the character and appearance of the area

By and large the bulk of the Bridge Inn building will remain intact and unaltered, apart from the insertion of windows and doors to facilitate and reflect the internal reconfiguration. The only significant physical change will be the proposed works of extension to the rear annexe. This is largely screened from public view in Bridge Street behind the main building and similarly in Saron Street behind a pair of terraced dwellings. However, the annexe is visible from vantage point east of the railway line therefore the extension will be likewise. That said, the design and scale of the extension is in proportion with the rest of the Bridge Inn building and will not appear out of context. The proposed residential use of the building also is in keeping with the character of the area. It could be argued that the intensity of the proposed residential use and the fact that occupation of the development is aimed at students could give rise to and exacerbate problems associated with a high proportion of residential dwellings being used as houses in multiple endemic to the neighbourhood. On the other hand the proposal will result in the conversion of a public house not an existing dwelling. Also, the building is of size and design that lends itself to intensive residential use and will relieve, albeit in a small way, some of the pressure for conversion of dwellings to HMOs in Treforest. Therefore, on balance, it is concluded that the development will not be detrimental to the character and appearance of the locality and satisfies LDP policies AW5 and AW6 in this regard.

Impact on residential amenity and privacy

The key issue in respect of this consideration is the impact of the proposed extension to the rear of the main public house building. This extension will be situated directly adjacent to the rear of a pair of terraced houses in Saron Street resulting in the current single storey annexe becoming a two-storey structure that could have a significant overshadowing and overbearing impact. However, from site inspection it is evident that there are no windows in the rear elevation of the dwellings that could be adversely affected. Also the space between the existing annexe and the rear elevations of the dwellings is already extremely small, such that it is doubtful it is capable of beneficial use as amenity space, and will not be made worse by the development. Therefore, despite the extremely close proximity of the public house to two existing dwellings in Saron Street, it is not considered the proposal will impact upon the residential amenity of these dwellings therefore satisfies LDP policies AW5 and AW6 in this regard.

Access and highway safety

In terms of the accessibility of the proposed development Bridge street has a carriageway width of 6.0m, a 1.2m wide footway on the development side and a

1.2m wide footway opposite. The carriageway incorporates a 2.0m wide parking bay limited to 2 hours with no return within 4 hours, with an exception for resident permit holders.

With its existing use as a public house The Bridge Inn has a parking requirement of approximately 22 off-street spaces, based on 1 space per 5 sqm of bar and serving area, 1 commercial vehicle space and 1 space per 3 staff. The reality of the circumstances are that there is no off-street parking associated with the building and, given its location, it is considered unlikely the public house use ever generated the level of parking demand suggested by the parking requirements set out above.

In accordance with the adopted SPG *Access, Circulation and Parking Requirements* (March 2011), the proposed 4 flats have a combined off-street parking requirement of 14 spaces. There is no off-street parking associated with the development which gives rise to highway safety concerns. However, the development is located in a sustainable location within walking distance of Treforest train station, multiple bus-routes along the B4595, local amenities and the University of South Wales, and that the flats are identified as student flats which inherently have a lower car ownership rate, the lack of off-street parking provision is, on balance, considered acceptable.

There are existing cellar doors to the front of the proposed development which would need to be removed. There are no details of the removal of these doors and subsequent re-instatement of the footway submitted with the application, but this can be secured via a suitably worded condition in the event of planning permission being granted.

Taking the above factors into account the proposed development is acceptable in terms of its consequences for accessibility and highway safety and has attracted no objection from the Council's Transportation Section. Accordingly, the proposal satisfies LDP policies AW5 and AW6 in this regard.

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.

Drainage

Surface water drainage is required to avoid being disposed of to the public sewerage system to avoid hydraulic overloading of the system in the interests of public and environmental health. In the event of planning permission being granted conditions are capable of being attached to secure adequate drainage of surface water from the development.

Ecology

The Council's Ecologist has pointed out the possibility that the application building may host bats, which are European Protected Species. The roof of the main public house building is unaffected by the proposal therefore disturbance to bats is unlikely to occur there. The rear annexe which is to be extended occupies a very confined

space and is largely infested with dense ivy growth which would make it difficult for bats to enter and exit the roof space. Accordingly, it is suggested in the event of planning permission being granted that an informative note is attached advising of the need to be wary of the possible presence of bats and the licensing procedures if discovered during the construction project.

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 application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL (including indexation) for this development is expected to be £2,058.24.

Conclusion

The proposed residential conversion and extension of this vacant public house situated within a predominantly residential area is acceptable as a matter of principle, and will secure a sustainable use for a building that is falling into a state of neglect and disrepair. The proposal will not impact unduly on the character and appearance of the area, nor will it give rise to any undue loss of amenity and privacy to the occupiers of neighbouring dwellings. Although no off-street parking is provided with the development, the property is situated in a sustainable location within easy walking distance of public transport links and local facilities and services, including the University of South Wales. Planning permission is therefore recommended subject to the conditions set out below.

RECOMMENDATION: Grant

1. The development shall begin not later than five years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Site location plan & proposed block plan (drawing no: PL-00) dated Sep 2016;
 - Existing floor plans, ground & first (drawing no: PL-01) dated Sep 2016;
 - Existing elevations (drawing no: PL-02) dated Sep 2016;
 - Proposed floor plans, ground & first (drawing no: PL-03) dated Sep 2016;

- Proposed elevations (drawing no: PL-04) dated Sep 2016;
- Proposed floor plans flat areas (drawing no: PL-05) dated Sep 2016;
- Existing Survey Extract Existing Drainage (drawing no: PL-06) dated Sep 2016.

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

3. The external materials of the proposed extension shall match as near as possible the materials of the remainder of the existing building.

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 commence until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the drainage works have been carried out in accordance with the approved scheme.

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

5. No development shall commence until full engineering design and details of a scheme for blocking off and making good the pavement following removal of the cellar doors on Bridge Street have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the commencement of beneficial occupation.

Reason: In the interests of highway safety in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to 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 highway safety in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

- (i) Monday to Friday 0800 to 1800 hours.
- (ii) Saturday 0800 to 1300 hours.
- (iii) Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

=====

APPLICATION NO:	16/1330/14	(GH)
APPLICANT:	Mr Jones	
DEVELOPMENT:	Application to extend the original consent (12/0509/10 - to stand steel shipping containers on site) for a further three years	
LOCATION:	THE PRAIRIE, MYNACHDY FARM, YNYSYBWL, PONTYPRIDD, CF37 3PE	
DATE REGISTERED:	16/03/2017	
ELECTORAL DIVISION:	YnysybwI	

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

Three letters of objection have been received from neighbouring residents. Since the proposal is recommended for approval, the Council's Scheme of Delegation requires that the application is reported for determination by Members.

APPLICATION DETAILS

A further temporary planning permission, for a period of three years, is sought for the placement of five steel shipping containers, at The Prairie, Mynachdy Farm.

The containers have been used in association with the existing recreational use approved by planning permission 08/1003/10, primarily for a motocross track, archery and assault course. The containers are located next to an existing car parking area in a linear and in-tandem formation.

The details of each container are as follows:

1. Container **A** provides changing room facilities and will measure 6.06m by 2.44m at a height of 2.4m.
2. Container **B** will provide a refreshment servery and will measure 3.03m by 2.44m at a height of 2.4m.
3. Container **C** will provide a general storage area and will measure 3.03m by 2.44m at a height of 2.4m.
4. Container **D** will house a portable electricity generator and will measure 3.03m by 2.44m at a height of 2.4m.
5. Container **E** will provide chemical toilet facilities and will measure 6.06m by 2.44m at a height of 2.4m.

The car park serving the development has been screened around its periphery with a hedge of coniferous trees and a low-level forecourt area of timber decking enables access to each container. However, screening of the containers, which was required by a condition of the earlier consent, has not been undertaken.

Lastly, although no hours of use have been submitted with the current application, the applicant has stated that approval is sought to extend the existing consent, without any changes or amendment. Therefore it is considered appropriate that the application is determined on the same basis, with hours of operation between 08.00 and 18.00 hours, as previously approved by Committee, and confirmed by a subsequent appeal.

SITE APPRAISAL

The current use of the land is for recreational and agricultural purposes including a motorbike track, archery area and assault course on an irregular shaped application site measuring a total of approximately 20.8 hectares.

The application site principally comprises of fields, an access road and car park, and the facilities for the assault course and archery. The containers are positioned on the southern side of the car park, and the whole of the site falls within land designated as a Special Landscape Area.

There is a vehicle access to the site consisting of a 1.5km length of single carriageway road, known as Mynachdy Road, which leads from Heol-y-Mynach in the village of Ynysybwl.

This is in addition to the main access to the motorcycle track and activities area which is via an unclassified road from Llanwonno to the west, and which passes through former Forestry Commission land, now under the control of Natural Resources Wales. Both roads are largely unmade and in poor condition, although not for 4x4 vehicles or the kind of bikes that would use the facilities.

Lastly, it is noted that the north-eastern corner of the existing motorcycle track is crossed by public footpath No. 15 Ynysyawl and is as marked as such on the ground.

PLANNING HISTORY

The most recent applications on record associated with the site are:

12/0509	Temporary permission (3 years) to stand steel shipping containers on site. (Amended description received on 20th August 2012 to remove car park extension & amended location plan received on 17th July 2012 showing different access point).	Grant 25/09/12
08/1003	Change of Use of land from agricultural to recreational and agricultural including motorbike track, archery and assault course.	Grant 16/04/09

PUBLICITY

The application has been advertised by direct notification to thirty neighbouring properties.

Three letters of objection or representation have been received, regarding the breaching of the conditions of the earlier consent; its visual impact; increasing traffic using the site; unauthorised or illegal use of adjoining land; noise; water pollution and landscape damage. These issues are considered within the body of the report further below.

CONSULTATION

Public Health and Protection - no objections subject to a condition restricting the existing hours of operation to those originally proposed by the applicant.

However, as noted above, the operating hours of the track and containers, as detailed by the earlier consent are considerably longer. Therefore such a condition would not be considered reasonable.

Highways - no highway objection is raised or condition suggested.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is identified as outside the residential settlement boundary of Ynysbwl and is within the Cwm Clydach Special Landscape Area.

Policy CS1 - encourages a strong diverse economy which promotes new forms of employment in the leisure and tourism sectors.

Policy AW2 - supports development in sustainable locations

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

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

Policy AW8 - supports development where it would not cause harm to features of the natural environment, special designated sites, or could reasonably be located elsewhere.

Policy AW10 - development will not be permitted where it would cause or result in a risk of unacceptable harm to health or local amenity.

Policy NSA25 - refers to Special Landscape Areas (SLAs) and states that development within the defined SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area to protect the visual qualities of the area.

National Guidance

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 16 - Sport and Recreation

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

In addition to national planning guidance, the Local Development Plan provides scope for recreational uses within the countryside, which include those sites which fall within special landscape area designations, providing the visual qualities of such areas are not harmed.

The use of the site as a motocross facility and a facility for outdoor pursuits (archery and assault course) has previously received planning consent, with a subsequent temporary approval for the steel containers.

The matter for consideration, therefore, is whether it would be reasonable to grant a further three year temporary permission, when in effect the containers have already been on site for more than four years and were not removed by September 2015, when the consent expired.

The company has advised that it is still their intention to purchase the land where the track is located and if this proceeds, that the current car park would have to be moved and plans for a permanent building would be put in place. However, it is also noted that those plans have not come to fruition in the period that has passed since 2012.

In respect of enabling the business continuity of operation, there is no objection to the provision of on-site facilities, which would reasonably have been expected to follow, to some degree, the original permitted change of use. It would also be unreasonable for their not to be any ongoing provision, in some form, for toilets, changing rooms, storage and the like.

Nonetheless, this is subject to consideration of the continued impact of the development on the character and appearance of the Special Landscape Area, highway safety, and the amenity of occupiers of nearby residential properties and other properties.

Impact on the character and appearance of the area

The key concern regarding the visual impact of the development is in relation to the countryside setting and its designation as a Special Landscape Area. Within an SLA development proposals are expected to adhere to a greater standard of design so they are sympathetic and assimilate better with their surroundings.

During determination of the earlier application for the containers, the report of the Service Director noted that they would not constitute an acceptable permanent solution, and a condition was appended requiring a modest planting scheme to act as a screen. Furthermore, the representations received from objectors, both then and now, note the appearance of the containers and consider them unsatisfactory.

Although the site occupies an isolated location and is at least 0.75km from the nearest dwelling, a network of public footpaths ensures that the track and containers can be seen from a number of public viewpoints, albeit that the features which most dominate the landscape are the motocross track itself and a wind turbine. By comparison the containers and unmade car park are somewhat dwarfed by these within the sweep of the valley and surrounding forestry.

In this regard, and noting that the site benefits from a permanent consent for operation as a motocross and activity centre, the quandary is how best to enable the track to continue operating and provide the necessary facilities referred to further above, whilst minimising the visual impact.

Whilst it is still agreed that the containers do not represent an ideal acceptable permanent solution and are not physically attractive, albeit that this could be mitigated by implementation of the previous screening condition, their greatest benefit is their impermanence. Therefore, should the business cease to operate they could be removed and the ground restored.

Conversely and despite the applicant's stated future intentions, the construction of a purpose built centre would, in policy terms, be much less acceptable in a countryside location, and would ensure that an alien structure would remain as permanent feature, even if the business failed.

Consequently it is considered that the most pragmatic approach, and one that maintains some degree of control for the future, is that the site continues to be serviced by the facilities provided by the containers.

Acknowledging both the setting and planning history of the site, the development is not considered to be sufficiently detrimental to the character and appearance of the area to warrant a recommendation of refusal, subject to a condition in respect of landscaping.

Impact on neighbouring occupiers

The objections received in relation to the impact on residents in Ynysybwl are focussed largely on noise issues and an increase in local traffic, with numerous other issues considered further below.

However, with the exception of the generator, which it is assumed would only operate when the track is open, these objections are in respect of the use motocross track and not the containers which service them.

The containers are not located close to any dwellings, and therefore do not have a direct impact on the outlook of residents, or could be considered to compromise amenity or privacy.

Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Highways and Accessibility

Highways officers note that the steel containers provide facilities for the existing motorcycle track and adventure playground. The containers are used for changing rooms, refreshment service, general storage, a portable electricity generator and unisex toilets.

The access to the site is from an un-named track which was approved as part of the 2008 application and consent. At the time of the earlier consent the developer carried out improvements along its length to provide for passing bays at strategic locations and a compacted hardcore track, which is satisfactory to serve the development.

Other Issues

Further objections have been raised in relation to the use of the track, specifically the erection of temporary advertising, erosion of land, and its ecological impact, albeit that these are not germane to the current application.

In addition, allegations have been made about illegal off-road biking within adjoining forestry land or on public highways and right of ways, and that complainants have suffered harassment.

The genuine concern of the objectors is noted, but these are matters that are not material to whether or not the retention of the containers, by way of a time extension, is appropriate in planning terms.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: Grant

1. The temporary containers hereby approved shall be removed from the site on or before 3 years of the date of this decision unless an application for its retention is submitted to and approved by the Local Planning Authority prior to that date.

Reason: To define and limit the extent of the permission and to protect the visual amenity of the site and surrounding area in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

2. The use of the temporary containers hereby approved shall remain ancillary to the use of the site as a motorcycle track and outdoor activity area (archery and assault course), and shall not be used in connection with any other purpose.

Reason: To define the extent of the use of the temporary buildings.

3. Should the use of the site as a motorcycle track and outdoor activity area cease at any time during the period in which the buildings are on the site, the temporary containers shall be fully removed from the site within a period of 6 months. The site shall be reverted back to its original condition.

Reason: In the interests of visual amenity and to ensure that the buildings are not obsolete in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. The temporary containers and generator hereby approved shall only be used between the hours of 08:00 and 18:00 hours.

Reason: To ensure that the proposed development has an acceptable noise impact on its surroundings in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Within three months of the date of this consent, a scheme of landscaping shall be submitted to and approved by the Local Planning Authority for the purposes of screening the containers from the land immediately to their western, southern and eastern boundaries

Reason: To ensure that the appearance of the development will be improved and better assimilate within the context of the site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Any planting, seeding or turfing forming part of the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this consent. Any trees or plants which within a period of three years from the completion of the development either die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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: 16/1346/10 (KL)
APPLICANT: Mr R Chapman
DEVELOPMENT: Proposed erection of two garages and a container/shed.
Change of use of recently purchased land to additional garden. (amended plans received 06/02/17)
LOCATION: 8 BRYN FFYNON, TREBANOG, PORTH, CF39 9EE
DATE REGISTERED: 12/12/2016
ELECTORAL DIVISION: Cymmer

RECOMMENDATION: Approve

REASONS:

Although a number of objections have been received, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its potential impact upon the amenity and privacy of surrounding neighbouring properties, and its potential impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Retrospective planning permission is sought for the change of use of the land adjacent to no. 8 Bryn Ffynon to residential garden curtilage. The proposal also seeks permission for the retention of a domestic garage to the side of the existing dwelling, the construction of a further domestic garage at the most north-western corner of the rear garden and the relocation of a container which is currently located at the most north-eastern corner. The plans indicate that the container would be sited at the most south-eastern corner of the site adjacent to the garage which has already been constructed.

It should be noted that the scheme detailed above forms an amendment to that originally submitted. The original scheme included the change of use of the land, the retention of the garage adjacent to the dwelling house and the retention of the container in its current location at the most north-eastern corner. The amended scheme, which proposes the re-location of the container and the construction of another domestic garage, has been submitted as a result of a number of discussions/negotiations with the applicant.

The proposed garden curtilage extension would increase the existing garden space of no. 8 Bryn Ffynon by approximately 139m². Due to differences in ground level between the front and rear of the site, some re-grading works have been undertaken

to provide two levels similar to the existing garden arrangement. The new garden curtilage would be enclosed along the most north-eastern boundary by 1.8 metre high palisade fencing to match the fencing of the football field adjacent to the site.

A domestic garage has been constructed adjacent to the existing dwelling with access provided off the existing turning head at Bryn Ffynon to the south-east. It measures 3.4 metres in width by 7.2 metres in depth with a mono-pitch roof design which measures a maximum of 3.2 metres in height from ground level. The garage has been constructed from concrete blocks and currently has an unfinished appearance however it is proposed that the garage would be rendered to match the external appearance of the existing dwelling.

An additional domestic garage would be constructed at the most north-western corner of the rear garden. It would face a north-easterly direction, measuring 5.3 metres in width by 6.1 metres in depth with a mono-pitch roof design which would measure a maximum of 2.7 metres in height from ground level. It would incorporate a roller shutter door which would provide vehicular access from the existing turning head at Tan-y-Bryn with a separate pedestrian access door within the south-east facing side elevation. External materials would consist of render and profiled steel roof sheeting.

The steel container/shed would be set back from the existing garage by 1.5 metres and would measure 2.5 metres in width, 6 metres in depth and 2.8 metres in height.

The application is accompanied by the following:

- Structural Calculations

SITE APPRAISAL

The application site relates to a two-storey, semi-detached property which is located within a predominantly residential area of Trebanog. The property benefits from enclosed gardens to the front and rear elevations with ground levels sloping up towards the rear boundary at Tan-y-Bryn. It is noted that one of the garages proposed has already been constructed at the site along with the re-grading works to level the extended garden area. The container/shed is currently located at the most north-eastern corner of the site.

The site is bound by an adjoining property immediately to the south-west (no. 7 Bryn Ffynon) and the adopted highway at Bryn Ffynon and Tan-y-Bryn to the north and south respectively. Football fields associated with Ysgol Gyfun Cymmer Rhondda are located to the east.

Neighbouring properties in the area are all of a similar scale and design to the application property with the end properties in adjacent streets predominantly benefiting from larger than average gardens. It is noted that there are a number of domestic style garages in the area, including one at the adjoining property (no. 7 Bryn Ffynon) which is accessed off Tan-y-Bryn to the north.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification and the erection of site notices at Bryn Fynon and Tan-y-Bryn. A total of **8 letters of objection** were received in relation to the original proposal which included the container in its current location at the north-eastern corner of the site. The objections are summarised as follows:

- The container opens out onto the turning head at Tan-y-Bryn and causes obstructions to residents turning their vehicles;
- The container is currently covering a storm pipe and sewerage piping;
- The container is being used to store off-road motorbikes and are driven up the street to gain access which causes noise, nuisance and disturbance to residents of Tan-y-Bryn;
- Unsightly view from properties in Tan-y-Bryn;
- Danger to children climbing on the container or underneath;
- The container is not suitable for the area – looks like a building site;
- Cars/vans which come back and forth to the container could cause an accident;
- The development is causing bad feeling towards the applicant;
- They should have applied for planning permission before doing the work;
- The individual who has placed the container at the site does not live at no. 8 Bryn Fynon or in Tan-y-Bryn;
- The container is accessed as early as 5.30-6.00am and is becoming a nuisance;
- The rear of the application site is an eyesore;

It is also noted that comments have been made in relation to the state of the street at Tan y Bryn, although these do not relate directly to the application site or the proposal and they have therefore not been included in this report.

As mentioned previously, amended plans have been submitted in an attempt to address the concerns raised by the residents. It is now proposed to relocate the container/shed to the south-eastern corner at Bryn Ffynon, with a more traditional domestic-style garage proposed at the most north-western corner (not part of the original plans). The application was re-advertised by means of further neighbour notification letters and the erection of further site notices at the site, however, **no further letters of objection** have been received.

CONSULTATION

Dwr Cymru/Welsh Water – no objection.

Land Reclamation and Drainage – no objection subject to condition.

Public Health and Protection – no objection subject to conditions.

Structural Engineer – no objection.

Transportation – no objection subject to conditions.

Wales and West Utilities – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary of Cymmer and is unallocated.

Policy CS1 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW2 - supports development in sustainable locations.

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

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

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

Supplementary Planning Guidance

Design Guide for Householder Development

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the change of use of a vacant parcel of land adjacent to no. 8 Bryn Ffynon to domestic garden curtilage along with the construction of two domestic garages and the siting of a storage container which would be used in association with the application property.

The application site is located within the defined settlement boundary and within a predominantly residential area. Given that the area of land is located immediately adjacent to the application property and is unlikely to be suitable for any other purpose, and that the garages are of a domestic scale and design, the principle of the proposed development is considered to be acceptable subject to further consideration of the criteria set out below.

Impact on character and appearance of area

The area of land which has recently been converted to residential garden curtilage was previously vacant and used as an informal pathway between Bryn Ffynon and Tan-y-Bryn. It was not very well maintained and had become overgrown and unsightly, therefore having a negative impact on the overall visual appearance of the site. The proposal to enclose the land within the existing garden curtilage would establish some form of responsibility over the land and would ensure that it is maintained in connection with the existing garden curtilage of the application property. As such, it is considered that the change of use of the land would improve the overall visual appearance of the immediate locality. Whilst the use of palisade fencing to the north-eastern boundary is not considered to be ideal, it would be sited at the end of the street and would be in-keeping with the design of the existing fencing immediately adjacent to the site. As such, it is not considered that it would have such a detrimental impact on the character of the surrounding area that it would warrant the refusal of the application.

The proposed garages would both form visible additions to the street scenes at Bryn Ffynon and Tyn-y-Bryn respectively however they are considered to be of a limited, domestic scale which would be in-keeping with the residential character of the surrounding area and with other domestic garages in the immediate and wider area. It is acknowledged that the garage which has already been constructed adjacent to the application property is currently unfinished however the plans indicate that it would be finished with render to match the application property. Similarly, the proposed garage off Tan-y-Bryn would also be finished with render to match the

application property and it is therefore not considered that it would form an overly prominent addition to the surrounding area. It is also considered that the proposed garage would comply with the criteria identified within the Council's Householder SPG which require garages not to be over dominant in relation to neighbouring properties.

Notwithstanding the above, there is some concern with regard to the overall visual impact of the proposed storage container which is currently sited at the most north-eastern corner of the application site adjacent to the turning head at Tan-y-Bryn. The overall scale and design of the container is considered to be inappropriate for a residential setting and it is currently considered to form an incongruent and discordant addition which has a negative impact on the visual amenity of properties directly opposite the site at Tan-y-Bryn. However, these concerns were discussed with the applicant and it was suggested that the container either be removed from the site or be relocated to the side of the garage at Bryn Ffynon where it would have a reduced impact. Consequently, the applicant agreed to relocate the container to the position suggested and amended plans were submitted to reflect this. Whilst a structure with a more domestic appearance would be preferred, the container would be sited at the very end of the street and set back from the front elevation of the adjacent garage where it would not be visually obtrusive and would have a limited impact on the character and appearance of the street scene. It is considered that in its revised location, the container will be subservient to the house and located to have least impact on neighbouring properties which are further requirements of the SPG.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the existing property and surrounding area and it would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG in respect of Householder Development.

Impact on residential amenity and privacy

It is acknowledged that a number of objections have been received from the occupants of properties in Tan-y-Bryn to the rear of the site however these predominantly relate to the storage container/shed in its current position at the turning head of Tan-y-Bryn. Although residents were re-consulted on the amended plans, no further objections have been received.

It is considered that the majority of the objections raised have been overcome by the re-location of the container/shed. However, it is noted that some of the objections could easily relate to the construction of the proposed garage and these objections have been considered below.

The objectors raise concern with regard to the use of the container in that it is currently being used to store off-road motorbikes which cause noise, nuisance and disturbance to the residents of Tan-y-Bryn. In addition to this, the container is being accessed as early as 5.30-6.00 in the morning. Whilst this issue is appreciated, the use is considered to be incidental to the enjoyment of the application property and

separate public health and protection legislation is available to deal with unreasonable and un-neighbourly levels of noise and disturbance. Concern is also raised with regard to the turning head at Tan-y-Bryn being frequently obstructed through the use of the container. However, this is a police matter rather than that of planning and it therefore cannot be considered in the determination of the application.

In addition to the above, the proposed garage is considered to be of an acceptable scale which would have a limited impact on the residential amenity and privacy of properties in Tan-y-Bryn. It would be sited approximately 10 metres away from the front elevations of no's 9 & 10 and would be 0.2 metres greater in height than what could potentially be constructed in this location without the need for planning permission. It is acknowledged that the garage would be accessed off Tan-y-Bryn and that there is potential for additional vehicles to travel along this road. However, given the domestic purpose of the garage and that it provides just one off-street car parking space, it is unlikely that it would have a significant impact in terms of noise and disturbance. Furthermore, the garage does not incorporate any windows within the side elevation which would face towards the neighbouring properties and it is therefore not considered that it would have a harmful impact on the privacy currently enjoyed by surrounding residents.

The garage which has already been constructed to the side of the application property is located approximately 18 metres away from the north-west facing front elevation of no. 9 Bryn Ffynon. In addition to this, the garage is considered to be of a domestic scale and design and it is therefore unlikely to have any overbearing, overshadowing or overlooking impact on no. 9. Similarly, the container would be set 1.5 metres back from the front of the garage and would not have a harmful impact on the residential amenity of the nearest residents.

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

Impact on Highway Safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the impact of the proposal on highway safety. It is noted that the response received raises no objection in relation to the proposal (subject to conditions). In coming to this view, it is acknowledged that the highway at both Bryn Ffynon and Tan-y-Bryn are sub-standard in terms of their width and turning area and that they are both oversubscribed with on-street car parking pressure. However, it is noted that the proposal will provide for a minimum of 2 secure off-street car parking spaces and, on balance, the application is considered to be acceptable in this regard.

It is, however, noted that there would be major concern should the proposal be used for business use as the residential streets are not designed to cater for such a use

and, on this basis, a suitably worded condition has been suggested to ensure that the garages and container are for social and domestic use only.

As such, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site and it would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other:

Structural Calculations

The application is accompanied by structural calculations for the proposed retaining wall structure which would be constructed along the side boundary. The calculations have been assessed by the Council's Structural Engineer and they have been deemed acceptable in terms of the proposed retaining wall. A condition is, however, suggested to ensure that the wall is constructed in accordance with the structural calculations submitted.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested are not considered necessary. An appropriate informative note is considered to be sufficient in this instance.

Other Issues

It is noted that the objectors raise concern with regard to the siting of the garage and container in that they have been constructed/sited over sewage and storm drains and that this will cause problems if maintenance work is required or if the drains become blocked. Consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. The response received raises no objection to the proposal subject to standard conditions and advice.

In addition to this, it is noted that no objections have been received from Dwr Cymru/Welsh Water although it is noted that their comments include an advisory note which states that some public sewers and lateral drains may not be recorded on their maps of public sewers. As such, the applicant is advised to contact Dwr Cymru/Welsh Water in this respect. The comments received are suggested as an advisory note to the applicant, should permission be granted.

Wales and West Utilities also raise no objection to the proposal, subject to standard conditions and advice.

Other issues raised by objectors

The other issues raised by the objectors (i.e. bad feeling towards the applicant, the individual using the container not living at no. 8 and children climbing on or underneath the container) are not material planning considerations and cannot be taken into account in the determination of the application.

Whilst it is noted that the applicant has carried out a number of works without first applying for planning permission, the Council must give the landowner the opportunity to submit an application which must be considered on its own planning merits.

Community Infrastructure Levy Liability

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

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

Conclusion

It is not considered that the development would have a significant impact upon the character and appearance of the locality or upon the amenity of surrounding properties. Furthermore, there would be no undue impact upon highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: Grant

1. 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 specific plans:

- Proposed Plans (received 6th February 02/17);
- Structural Calculations (received April 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. Within 2 months of the date of this decision, details of the garage entrance apron/vehicular crossover for the garage to the rear of the application property shall be submitted to and approved in writing by the Local Planning

Authority. The garage entrance apron/vehicular crossover shall be constructed in accordance with the approved details prior to beneficial use.

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

4. Within 2 months of the date of this decision, details of the garage entrance apron/vehicular crossover for the garage to the side of the application property shall be submitted to and approved in writing by the Local Planning Authority. The garage entrance apron shall be constructed in accordance with the approved details within 1 month following their approval.

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

5. The use of the garages and storage container hereby approved shall at all times be restricted to purposes normally associated with a domestic use and no trade or business shall be carried out therein.

Reason: For the avoidance of doubt as to the extent of this consent, in the interests of the safety of all highway users and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Any gates shall be installed so as to open inwards and not open out onto the public highway.

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

7. Within 2 months of the date of this permission, the footings of the garage served off Bryn Ffynon shall be cut back from the edge of the carriageway to have a minimum clearance of 500mm from the face of the existing kerb.

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

8. Within 2 months of the date of this decision, all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The drainage arrangements shall be completed in accordance with the agreed details and timetable.

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

=====

APPLICATION NO:	16/1371/10 (EL)
APPLICANT:	Mrs Rose Sullivan
DEVELOPMENT:	Residential development for 4 dwellings (Amended site layout plan received 15/04/17).
LOCATION:	FORMER BOTTLING PLANT, BOTANICAL, LAND ADJACENT TO THE PADDOCKS, ABERAMAN, ABERDARE CF44 6YU
DATE REGISTERED:	15/04/2017
ELECTORAL DIVISION:	Aberaman North

RECOMMENDATION

Approve subject to conditions

REASONS:

The principle of the proposed development is considered acceptable given the previous land uses of the site and its proximity to the main settlement of Aberaman. Sufficient information has also been provided to adequately assess the potential impacts of the development upon protected species and flood risk. As such, the proposal overcomes concerns identified during the course of the earlier application submission.

REASON APPLICATION REPORTED TO COMMITTEE

A request has been received from Councillor Evans for the application to come to Committee in order that matters relating to ecology, highway safety, flood risk and the position of the site in relation to settlement limits may be considered by Committee.

APPLICATION DETAILS

Full planning permission is sought for the erection of 4 no. dwellings on a parcel of land known as the former Botanical Beer Bottling Store. The parcel of land is irregular in shape and measures approximately 3900m² and is located to the far east of The Paddocks, Aberaman.

The application site is divided into 2 main areas, the proposed dwellings would be located to the north west of the site, with the area of land to the south east being reserved as flood compensation land.

The proposed dwellings would be arranged as two pairs of semi-detached units. Each dwelling would measure 5.5 metres in width and 8.5 metres in depth, with a further ground floor projection to the rear of 3.2 metres to accommodate a sun room. The dwellings would have ridge roof constructions extending to 8.5 metres at their ridge and 5.0 metres at their eaves.

Access to the dwellings would be gained via a private driveway that connects with the adopted highway. Each dwelling would benefit from 2 no. car parking spaces, located to the side of the dwellings. A turning area would be positioned at the head of the private drive. Private garden areas would be located to the rear of dwellings.

To deal with matters of flood risk, various ground works would be required on the site. It is proposed that on the area of the site designated as flood compensation land, the levels be lowered slightly. Any material removed from this area would then be used to raise the level of the land on the area of the site where the dwellings are proposed (to achieve a finished floor level of 117.65m AOD).

A further area of land along the northern site boundary with the river is defined as an 'undisturbed buffer'. No development is proposed within this area. This is intended as mitigation to allow adequate protection to protected species, notably otter that may use the river.

The application is accompanied by:

- A flood consequences assessment (FCA) (including a copy of a Flood defence consent issued by NRW)
- An ecology report: Otter survey, prepared by The Countryman Wildlife Consultancy.

SITE APPRAISAL

The application site consists of a parcel of land that is irregular in shape and measures approximately 3900m². The site is located to the far east of The Paddocks, which forms part of the main settlement of Aberaman, however the site is accessed via a series of lanes, which connect with Davis Street to the far south west of the site. It is noted that the network of lanes that provide access to the site also connect with a public right of way – Aberaman 8. The site is currently vacant, with much of the plot being covered by vegetation and some trees having established at the northern extent of the site. Some evidence, including a boundary wall of the former Botanical Beer Bottling Store, is visible on site. To the north east, the site is bounded by the River Cynon, with the river embankment forming the north eastern site boundary. Just beyond the northern site boundary is the Nant Gwawr watercourse, which connects with the River Cynon.

Planning History

14/0341	Outline residential development	Refused 25/06/14
04/1749	Residential development.	Withdrawn Called in Refused 31/01/06
97/4004	Car dismantling yard	Granted conditions 25/03/97
93/0517	Car dismantling yard and storage	Granted conditions 12/04/94
88/0638	Car dismantling yard and storage	Granted conditions 20/01/89
83/0658	Renewal of 51/80/0637	Granted conditions 15/02/84
80/0637	Renewal of 51/78/0938	Granted conditions 15/02/84
78/0938	Renewal of 51/77/0054	Granted conditions 21/02/79
77/0054	Renewal of 51/75/003	Granted conditions 17/03/77
75/0003	Renewal of TP12908	Granted conditions 17/02/75
TP12908	Retention of car dismantling yard and use of buildings for storage of vehicles and parts	Granted conditions 07/12/71

PUBLICITY

The application was advertised by direct neighbour notification and site notices. One letter of representation has been received. This is summarised as follows:

- The land was previously 'green verge' and previous application was rejected for this reason.
- The land is floodplain and was flooded in 1979 and 1982. The road which is adjacent to the site also flooded in December 2013.
- There are otters in the river which are protected by European Law.
- The application is outside of settlement and in a C2 flood zone.
- The narrow access over the bridge was not used for the bottling store or car dismantling yard, access for these businesses was over the railway line.

Concerns are raised with regard to the increase in traffic resulting from the development.

- There are no sewers or mains on the site.
- There is a possibility of contamination on the site.

CONSULTATION

Transportation Section – no objections raised, conditions suggested.

Countryside, Landscape and Ecology – no objections raised, matters relating to the provision of an undisturbed buffer zone should be conditioned, in accordance with the recommendations of Natural Resources Wales. Condition requiring wildlife protection plan also recommended.

Natural Resources Wales – the application site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). This application proposes a new residential development (highly vulnerable development) within the former Bottling Plant Site on land within a flood risk area.

Notwithstanding this, no objections raised subject to a number of conditions relating to:

- the development complying with the requirements of the accompanying FCA,
- the flood compensation land remaining free from development
- the provision and retention of an undisturbed buffer along the river to act as an otter resting place
- submission of a site investigations report to deal with matters of land contamination
- submission of a scheme for land drainage

Dwr Cymru/Welsh Water – no objections raised, conditions suggested.

Wales & West Utilities – gas pipes may be present in this area, as such safe digging practices must be used to verify the position of any mains, pipes, services or other apparatus.

Land Reclamation and Engineering – no objections raised, condition requiring submission of a drainage strategy for the site recommended.

Public Health and Protection – no objections raised, site investigations condition recommended, given previous use of the site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside defined settlement limits, within Cynon Valley River Park and within a mineral resource area (coal).

Policy AW1 sets out the criteria for new housing proposals, commenting that the provision of new dwellings will be met by a number of methods, including the development of unallocated land within the defined settlement boundaries.

Policy AW2 promotes development in sustainable locations.

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

Policy AW6 sets out the criteria for new development in terms of design and place-making.

Policy AW8 refers to the protection and enhancement of the natural environment. Development proposals, that may affect protected and priority species will be required to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts.

Policy AW10 sets out the criteria for environmental protection and public health. Factors relating to flood risk and water pollution are referenced.

Policy AW14 refers to the safeguarding of Minerals

Policy NSA12 sets out the criteria for development within and adjacent to settlement boundaries.

Policy NSA26 provides the criteria for development within the Cynon Valley River Park.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport) and Chapter 9 (Housing), 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:

Technical Advice Note 15: Development and Flood Risk;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

The application proposes the construction of four residential units, associated vehicular access and parking areas, on a parcel of land that is located outside of the defined settlement limits and within an identified flood risk area (zone C2). As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. Of equal importance is the need to consider whether the risks associated with flooding at the site could be adequately managed. Since matters relating to protected species were raised during the course of an earlier application on this site, consideration of this matter will also be relevant.

In addition, it will also be necessary to consider whether the site is capable of accommodating four dwellings, associated means of access and parking facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

It is noted that the current application represents a re-submission, following the refusal of an earlier scheme at the site in 2014. The current submission seeks to address and overcome the earlier reasons for refusal.

Principle of Development and Planning History

In the assessment of any application for residential development, the first consideration must be the location of the site in planning policy terms. In this case the plot is located outside of the defined settlement limits of Aberdare. In order to aid in the assessment of this aspect of the scheme, consultation has been undertaken with the Council's Spatial Planning Section.

Their response comments that the proposals represent a departure from the Local Development Plan, since the site lies outside the settlement boundary of Aberdare and is in a C2 flood risk zone. Therefore, the question is whether there are any material considerations that justify the grant of planning permission.

Sustainable location for new development:

Under policy AW2, sustainable locations are defined by a range of criteria. Sustainable locations of development would include sites which accord with policy NSA 12 relating to settlement boundaries. Planning Policy Wales clearly states that new development should be well-related to existing settlements and development in the countryside should be strictly controlled. In this regard, it is acknowledged that the site is outside of the Aberdare settlement boundary; however, it could be considered that the site occupies a small, narrow, southern corner of a considerably broader undeveloped area of land that opens up to the north, being in close proximity to Aberaman and residential development on Tirfounder Fields. Whilst the site is physically separated from the main settlement of Aberaman, by the A4059, in real terms the site lies less than 50 metres from the closest residential street, The Paddocks. Furthermore, by foot, the site is less than 5 minutes walk from Lewis Street, which is defined by policy NSA18 (retail hierarchy) as the local and

neighbourhood centre for Aberaman. Therefore, despite its defined position outside of settlement limits, the plot is not an isolated rural location with poor accessibility.

Further criteria of AW2 requires development on sites that have good accessibility by a range of public transport options, have good access to key services and facilities and support the roles and functions of Principal Towns and small settlements. The site is directly accessed via a single-track road, although soon accesses the streets of Aberaman with a bus stop on Cardiff Road, some 300 metres away. The site is also well located within 200 metres of the centre of Aberaman and the retail centre which has a small convenience store, pub, club, takeaways, betting shop and vet. Asda is accessible on foot some 500 metres away, whilst the Blaengwawr Primary school is around 680 metres away. Accordingly, the development would in a small way support this local settlement and facilities there. Also, in accordance with AW2, the proposal does not appear to be in conflict with other land uses in the area.

It is also acknowledged that the site is of a brownfield nature, with some limited evidence of previous building being present on site, although having been cleared is not an eyesore that is visible from any distance away from it.

Overall, given the proximity, accessibility and subsequent relationship with the village and centre of Aberaman, it is considered that the proposal complies with several elements of policy AW2 in terms of being in a sustainable location.

Flood Risk

In order to aid in the assessment of the proposal upon flood risk, consultation has been undertaken with Natural Resources Wales. The application is accompanied by a flood consequences assessment (FCA); as such their response includes an assessment of this document.

Their response first identifies that the site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Flood Map information, which is updated on a quarterly basis, confirms the site to be situated within both the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, which is a Main River Watercourse at this location. Their records also indicate that this site has previously flooded from the River Cynon during the December 1979 flood event.

It is noted that under the provisions of TAN15 residential development is categorised as highly vulnerable development, which section 6 of the TAN suggests should not be permitted in Zone C2.

The FCA which accompanies the application confirms:

1. The existing levels within the site are generally 116.30 mAOD (metres Above Ordnance Datum).

2. Using flood data supplied under licence from NRW, the proposed site will need to be raised on average by 1 metre with;

- Finished Floor Levels set at 117.65 mAOD
- Highway/Parking/Footpaths set between 117.35 and 117.50 mAOD
- Gardens set at 117.45 mAOD

NRW confirm that these levels are all above the 0.1% (1 in 1000 year) extreme flood level of 117.320 mAOD at this location. The site is therefore designed to be flood free for both the 1% (1 in 100 year) plus climate change (20% allowance) event and the 0.1% (1 in 1000 year) extreme flood events. It is noted that there is also a flood free access and egress route above the 0.1% extreme flood level for this development to the southeast. This forms the main access into the development site.

As set out earlier in the report, the application site includes an area of land that will remain undeveloped and will act as flood compensation land. On this area of the site levels will be lowered slightly and the material excavated will be used to raise the levels on the land on the portion of the site where the dwellings would be located. The FCA confirms that flooding elsewhere will not be increased as a result of the proposed ground raising works that will displace floodwaters elsewhere. It is proposed to provide flood storage compensation on a “like for like” and “level for level” basis in accordance with NRW requirements.

The total volume of fill material (loss of flood storage) required has been estimated as 912 cubic metres with the compensation flood volume being estimated as 1468 cubic metres. This results in a net gain of 556 cubic metres of flood storage and more than compensates for the loss as a result of raising the development site.

Finally, NRW's response confirms that the flood mitigation proposals associated with the proposed raising of the development site have already been formally consented by NRW using the Flood Defence Consenting process.

Therefore, to conclude, whilst it is noted that TAN15 does not support residential development in areas defined as C2 flood zones, NRW's the assessment confirms that the FCA addresses and provides a strategy for managing the risks associated with flooding at the site.

Ecology

With respect to matters of ecology, consultation has been undertaken with both Natural Resources Wales and the Council's Ecologist.

During the assessment of the earlier 2014 planning application, Natural Resources Wales confirmed that they had received a report of otter using the application site; furthermore, it has been reported that the site may have contained a natal breeding holt. This was a potentially significant record, as otters are a European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010 (as amended) and legal protection relates to the animals themselves and the places they use to rest and breed. In assessing planning applications, which potentially

affect European Protected Species, the Council and NRW must be satisfied that the proposed development will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

In order to respond to this matter, the applicant commissioned an Otter Survey, which was undertaken by The Countryman Wildlife Consultancy.

The conclusions of this report state that:

"A thorough search was made for signs of otter around the proposed building plot and garden area, by experienced ecologists and a resting site was located in the far corner adjacent to the Nant Gwawr confluence. The resting site was thought to be used occasionally by otters but was vulnerable to the elements and natural change. The site was thought to be of low value to otters."

This report was referred to NRW for their assessment. Whilst the development of the dwellings themselves would not result in the loss of the resting place, it is considered likely that without an appropriate buffer, future occupants of the dwellings would be likely to cause disturbance to otters using the existing resting area. Whilst the applicant had indicated a willingness to provide a 2 metre buffer between the gardens and river bank, NRW express some concern that this would not be sufficient to prevent disturbance of otters using the resting site. As it is not possible to increase this buffer to the suggested 6-7 metres, without the loss of the entire gardens, NRW recommend a suitable replacement or alternative structure for use by otters should be constructed elsewhere, in an area that will be subject to less disturbance. NRW suggest that a suitable location could be within the undisturbed buffer on the flood compensatory land. The site layout plan illustrates that it would be possible to undertake the flood compensation works whilst still retaining an undisturbed buffer of 6-7 metres along the river bank. This would ensure sufficient space to provide an alternative resting place and would move the resting place away from the potential disturbance of future residents.

In view of the above, NRW conclude that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. As such, no objections are raised to this aspect of the proposal, subject to the imposition of a condition which requires the submission of a scheme/ method statement for the provision of a suitable feature on site for use by otters as a resting place on land within the flood compensation area.

Character and Appearance

In terms of physical area, the site measures approximately 3900m², representing a development plot which is physically large enough to accommodate four dwellings, however, the site is subject to a number of physical constraints. The most significant of these is the fact that the site lies within a flood risk area. The submission is accompanied by a Flood Consequences Assessment (FCA) which provides a strategy for how the potential impacts resulting from flooding would be managed. The Flood Consequences Assessment (FCA) indicates that in order to manage the

risks associated with flooding, the levels of the land on the development site would need to be raised, creating a small plateau within the site, the proposed dwellings would then be located upon this plateau.

A series plans and site levels accompany the planning application; these indicate that whilst the proposed dwellings would occupy a position that is slightly elevated above the level of the adjacent highway, the difference in level would be approximately 1.0 metre. As such, it is not considered that the works to re-profile the site would result in the dwellings occupying an overly prominent position.

In terms of design, the proposed dwellings are uncomplicated 3-bedroom, two storey constructions, which would be similar in the appearance to many other modern developments in the Aberaman area. The plans illustrate that there is sufficient space within the site to accommodate off-street parking for each of the units, whilst still providing a private amenity area to the rear of the plots. Furthermore, the dwellings would be orientated in order that their front elevations address the access road that fronts and serves the site.

Overall, it is not considered that the properties would result in an impact upon the character of the street scene or immediate area that would be so harmful as to warrant the refusal of the application.

Residential amenity

As set out above, the site is detached from the main settlement of Aberaman, as such the nearest residential property is located approximately 30 metres from the application site, with the two being separated by the A4059. Similarly, whilst part of the access would be shared with Ynysllwyd Farm, the properties associated with this holding are located to the far north of the site and are not visible from the application site. As such, it is not considered that the development would adversely impact upon the levels of amenity or privacy enjoyed by residents in the vicinity of the site.

Highway Safety

With regard to the potential impact upon highway safety, following consultation with the Council's Transportation Section, no objections have been raised.

It is noted that their assessment does raise a number of concerns, particularly in relation to the means of access to the site, which is derived via a network of streets which are sub-standard in terms of width for safe two-way vehicular traffic, sub-standard footways, junction radii, lack of turning and high on-street car parking demand. However, they acknowledge that consideration must be given to the previous Inspectors decision in connection with the 2004 submission. Whilst this submission was ultimately refused, the Inspector concluded that in their opinion, the traffic volumes generated by the proposed use would be relatively small, and as such, would be unlikely to materially harm highway safety in the locality. It is for this reason that on balance, no highway objection has been raised. Nevertheless, a number of conditions are suggested, which would require the provision of adequate car parking, turning facilities within the curtilage of the site.

Other Issues

Contamination

In addition to the above-mentioned flood risk issues, matters relating to land contamination have also been identified by both Natural Resources Wales and the Council's Public Health & Protection Section. NRW comment that the site is considered to be of high environmental sensitivity, being within 100 metres of a surface watercourse (River Cynon). As set out above, it is known that the site was previously used as a car dismantling yard, therefore, it is likely that contamination exists on the site. As such, should Members be minded to approve planning permission then it is recommended that conditions, requiring the submission of a scheme to deal with contamination on the site be attached to any permission granted.

Similarly, since it is unclear at this stage how both foul and surface water would be dealt with, a condition requiring the submission of a drainage strategy for the site is also recommended.

Public Rights of Way

It is commented that whilst the development does not affect a public right of way, the path known as Aberaman 8 is in the vicinity of the site. As such, an informative note is suggested, which draws the applicant's attention to their responsibilities in this regard.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Having taken account of all of the issues outlined above, it is clear that the applicant has provided additional information that aims to respond to and overcome the issues which resulted in the refusal of the earlier 2014 application.

With respect the matter of the allocation of the site, whilst it is located outside of the Aberdare settlement limit, given the proximity, accessibility and subsequent relationship with the village and centre of Aberaman, the proposal complies with several elements of policy AW2 in terms of being in a sustainable location. With regard to matters of flood risk, it is accepted that the scheme proposes residential development in C2 flood zone, however the flood consequences assessment, which

has been reviewed by Natural Resources Wales demonstrates that the risks associated with flooding at the site could be managed and that the proposals would not increase flood risk elsewhere. Furthermore, the combination of the Otter Survey and assessment work by NRW concludes that, subject to conditions, the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, on balance, for the reasons set out in full above, in this instance the development of the site for residential purposes is considered acceptable.

Members are advised however, that should they resolve to approve planning permission, then the application must be advertised as a departure from the Local Development Plan before a formal decision may be issued by the Local Planning Authority.

RECOMMENDATION: Grant

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

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

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

- Drawing - original ground levels scale 1:500.
- Drawing - Proposed site layout Bottling Plant 1:500 Second revision 4th April 2017 .
- Drawing - Sections through downstream garden / paddock area Scale 1:200.
- Drawing - Section 1-1 (Revised) Typical section through development fill area.
- Drawing - proposed front elevation.
- Drawing - proposed rear elevation.
- Drawing - proposed ground floor plan.
- Drawing - proposed first floor plan.
- Drawing - Proposed side elevation.

and documents received by the Local Planning Authority on 16/12/16 and 15/04/17 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 drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

4. No 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. The development permitted by this planning permission shall only be carried out in accordance with the Flood Consequences Assessment (FCA) produced by David Llewellyn, Reference NRW: 01240275 and the following mitigation measures detailed within the FCA:

Development Levels

- Finished Floor Levels are set to 117.65 mAOD (metres Above Ordnance Datum)
- Highway/Footpaths/Parking Areas are set between 117.35 to 117.50 mAOD (metres Above Ordnance Datum)
- Gardens are set to 117.45 mAOD (metres Above Ordnance Datum)

Flood Mitigation

- The proposed flood mitigation measures as indicated in Section 12 of the FCA must be fully implemented before substantial completion of the ground raising within the development site.

Reason: To reduce the risk of flooding to the proposed development and future users and ensure that the risk of flooding elsewhere is not increased.

6. The area of land that is designated as flood storage compensation, i.e. the land immediately adjacent to the south of the development site of the dwellings, referred to as Flood Storage Compensation Area/ Flood Compensatory Area in the Flood Consequences Assessment (FCA) produced by David Llewellyn, Reference NRW: 01240275 and accompanying site layout plan received 15th April 2017, must be maintained as such for the lifetime of the residential development hereby permitted.

Reason: To ensure that the risk of flooding elsewhere is not increased.

7. Prior to commencement of development, details of an otter mitigation scheme that ensures the maintenance of a suitable feature on site for use by otters as a resting place, shall be submitted to and approved in writing by the Local Planning Authority. This should include, but not exclusively, details of the following:

- the impacts of the development upon otters to include direct and indirect

impacts during construction and on occupation of the dwellings;

- measures to ensure the continued provision of a suitable feature for use as a resting site by otters. This should include full details of any buffer between the feature and the edge of properties and/or of any replacement structure as appropriate;
- measures to ensure otters are conserved during the course of the works;
- any external lighting measures that ensure / demonstrate the river and all riverside buffers will remain unlit and be maintained as dark corridors;

The development shall be implemented in accordance with the approved details, prior to beneficial occupation of any dwelling, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest nature conservation and to afford protection to protected species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
- d. Persons responsible for:

- Compliance with legal consents relating to nature conservation;
- Compliance with planning conditions relating to nature conservation;
- Installation of physical protection measures during construction;
- Implementation of sensitive working practices during construction;
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

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

9. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

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

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

10. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 9) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

development shall be carried out in accordance with the approved details.

Reason: There is an increased potential for pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

13. Before the development is brought into use the means of access, together with the parking facilities, private shared access, passing bay and turning facilities, shall be laid out in accordance with the submitted drawing number 'Bottling Plant 1:500 Second Revision', received 15th April 2017 and approved by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

14. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the turning area for emergency service and delivery vehicles to access/egress in forward gear and passing bay including sections; and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the first dwelling.

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

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

16. Heavy Goods Vehicles deliveries to/from the site during construction should take place between 09:00am-16:30 Monday to Friday and 09:00-13:00 on Saturday with no deliveries on Sunday and Bank Holidays.

Reason: In the interests of Highway and Pedestrian Safety.

17. Building operations shall not be commenced until details/samples of the construction 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.

=====

APPLICATION NO:	16/1399/10	(EL)
APPLICANT:	Ellis Egg Limited	
DEVELOPMENT:	Proposed extension to existing industrial unit for egg packaging plant.	
LOCATION:	UNIT 45, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE, CF44 9UP	
DATE REGISTERED:	03/04/2017	
ELECTORAL DIVISION:	Rhigos	

RECOMMENDATION:

Approve subject to conditions

REASONS:

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposal is acceptable in terms of scale, design; impact on residential amenity and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the construction of an extension to Unit 45 Hirwaun Industrial Estate.

The proposed extension would be located to the south of the existing building on an existing yard area, which forms part of the curtilage of the site. It would measure a total of 75.0 metres in length, and 30 metres in width. It would consist of two elements, an 'open fronted' deliveries bay, extending to 15 metres in length and enclosed building extending to 60 metres in length. The building would have a shallow ridge roof construction extending to 9.5 metres at its ridge and 6.5 metres at its eaves. The external elevations of the building would be finished in colour coated steel cladding. Loading doors would be located in the north elevation (with access from the delivery bay) and east elevation (with access from the open yard area). Pedestrian fire exit doors would be located in all four elevations.

Existing points of vehicular access would be retained and utilised, along with an additional point of access that would be formed off the highway that defines the eastern boundary of the site.

A statement which accompanies the application confirms that Ellis Eggs (the applicants) are an existing business that currently occupies Roseville Bungalow on Hirwaun Road, where they package shelled eggs delivered to the site. These are then loaded onto vehicles for distribution. It is commented that the company are proposing to re-locate to Unit 45 as the business has expanded and requires additional space.

SITE APPRAISAL

The application property is an existing industrial unit located within Hirwaun Industrial Estate. The site consists of one building with a floor area of approximately 700 square metres. An associated car parking area is located to the front, east of the building and a large 'yard' sits to the south of the site. The existing unit is a ridge roof construction finished in box profile cladding. Access is gained off an internal feeder road that connects with Fifth Avenue. Neighbouring buildings are of similar appearance being large industrial units.

PLANNING HISTORY

08/1071	Unit 45, Hirwaun Industrial Estate, Hirwaun, CF44 9UP	Insertion of additional windows to facilitate the creation of a first floor office accommodation, in addition to new security fencing and gate, and modifications to the existing vehicular parking and access arrangements.	Granted with conditions 09/09/08
01/4162	Unit 45, Hirwaun Industrial Estate, Hirwaun, CF44 9UP	Removal of condition 10 on planning application C/00/4164 so that loading and unloading in the vehicle turning area are to be permitted Mon-Sat 07.00-08:00, Mon-Fri 18.00-19.00, Sundays & Bank Holidays, not at all.	Granted with conditions 19/06/01
00/4544	Unit 45, Hirwaun Industrial Estate, Hirwaun, CF44 9UP	Variation of Condition 10 on consent C/00/4164 to operate at 7am - 7pm Mon - Fri, 7am - 1pm Saturday. Not at all on Sundays and Bank Holidays.	Granted with conditions 14/02/01
00/4164	Unit 45, Hirwaun Industrial Estate, Hirwaun, CF44 9UP	Change of use to specialist supplier to the Civil Engineering and Building Industry, construction of additional offices within existing warehouse and hardstandings, fencing etc. for external storage	Granted with conditions 03/10/00

PUBLICITY

The application was advertised by direct neighbour notifications and site notices. Two letters of representation have been received in response to the publicity.

The first letter is from residents on Rhigos Road and comments that:

- They believe the proposal would cause unacceptable levels of noise and disturbance to them day and night.
- They are concerned that any lorries attending the site during the night would affect their sleep.
- The operation of the business would increase traffic in the area.

The second letter is from a neighbouring business and comments that:

- Whilst they have no objection to the proposed development they raise the matter of waste disposal. They comment that rotten eggs would have the potential to create nuisance by way of odour and ask that adequate provision is made to deal with this issue.

CONSULTATION

Highways and Transportation - no objections raised, conditions suggested.

Land Reclamation & Drainage – no objections raised, conditions suggested.

Public Health & Protection – no objections raised. It is noted that the application site was formerly occupied by Former Royal Ordnance Factory. The Pollution and Public Health Team therefore considers that there is a potential for hazards associated with land contamination to exist on the development site. Their response concludes that whilst a full site investigations report is not required in connection with the proposal, the applicant should be advised of the past use(s) of the site. As such, an informative note to this effect is recommended.

Dwr Cymru/Welsh Water – no objections raised, however, it is noted that the site is crossed by a public sewer. As Dwr Cymru requires access to their assets at all times, a protection zone must be provided either side of the centre line of this sewer. An informative note to this effect is recommended.

Wales & West Utilities – no objections raised. Wales & West Utilities has assets in the area, which may be affected during construction works. The applicant must contact Wales & West Utilities to discuss their requirements.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is outside settlement limits and within a strategic waste site.

Policy AW2 promotes development in sustainable locations.

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

Policy AW6 sets out the criteria for new development in terms of design and place-making.

Policy NSA12 sets out the criteria for development within and adjacent to settlement boundaries in the Northern Strategy Area.

National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 7 (Economic Development) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

It is acknowledged that the application site is located on a parcel of land that is outside of the defined settlement limits, where development is usually restricted. However, the application represents the enlargement of an existing building, with a history of established commercial use. Furthermore, the site represents an existing building that forms part of the wider Hirwaun Industrial Estate. As such, in this case it is considered that the principle of an addition to the property, to enable an established business to relocate and expand is acceptable, subject to an assessment of the following criteria:

- The impact of the proposed development upon the character and appearance of the building surrounding area
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the proposal on highway safety.

Character and Appearance

As set out above, the proposed extension to the building would be located to the south of the existing building on an area of yard that forms part of the curtilage of the site. It is acknowledged that the building is a significant addition that would, as a result of its siting and size, inevitably form a visible feature in the street scene.

However, the proposed building is required in order to allow an existing business, which currently operates from another site, that it has outgrown, to re-locate and

expand. As such, the scale and design of the building is dictated primarily by its function, with the need to provide a covered delivery bay and large open plan area for packaging.

It is also noted that efforts have been made to delineate the different spaces within the site and building as a whole. The existing building on site would be retained and utilised as a 'reception area' for the business accommodating office spaces. The delivery bay would adjoin the southern elevation of this, respecting the established front and rear elevations, however this element would have a slightly lower ridge and eave line than that the main building with an open elevation to the front. Finally, the new extension would sit to the south of this and would also respect the established front and rear elevations. The ridge and eave lines of this would sit slightly above the delivery bay, however they would still respect those of the original industrial unit. Overall, it is clear that the proposal represents the development of a significant building, in terms of its footprint; however, the site is of sufficient size to accommodate this and the general proportions of the resulting development would not appear overbearing, when viewed in the context of the existing building.

It is also worthwhile noting that the site forms part of an established industrial estate setting, where neighbouring plots are characterised by substantial industrial / commercial buildings. As such, overall, it is not considered that the resulting development would appear either harmful or out of keeping with the character of its setting.

Amenity

In terms of its location, the building is surrounded by neighbouring commercial uses to the north and west and forms part of an established Industrial Estate, as such it is not considered that any adverse effects would result to these neighbouring commercial occupiers. It is noted that following the publicity of the application that a letter was received from a neighbouring business, they confirmed that they did not object to the application but raised queries with respect to the waste management arrangements for waste eggs. This point was put to the applicant who has confirmed that they already have a contract in place with an established waste management company who are registered with Natural Resources Wales.

It is acknowledged that a small number of residential properties are located to the far south of the site, fronting Rhigos Road. Following the advertisement of the application a letter of representation has been received from one of these residents. They express some concern with regard to the operation of the business and the potential for increased traffic to cause them disturbance, particularly during unsociable hours. Whilst these concerns are noted, consideration must be given to the layout and orientation of the site. The southern most point of the extension would be off-set from the neighbouring property boundary by approximately 100 metres and is screened by a band of mature trees. Furthermore, it is noted that traffic attending the site, would utilise the existing network of roads that serves the site, as such no new access roads are proposed. Finally consideration must also be given to the fact that the existing building and site represent an established industrial unit, which forms part of a wider industrial estate. Therefore, whilst the site is

currently vacant, it may be brought back into use as an industrial unit at any point. Overall, whilst the occupiers may be aware of activity at the site, given the points mentioned above, it is not considered that the extension proposed would result in a degree of activity that would be so great as to warrant the refusal of the scheme.

Highway Safety

In order to aid in the assessment of the development upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the site is served off Hirwaun Industrial Estate which has been designed and built to accommodate heavy goods vehicles, with safe pedestrian access (7.3m road with 1.8m footways); therefore the proposal is acceptable for both vehicular and pedestrian access to the site.

It is noted that there is an existing access to the front of unit 45 with two existing access points on the eastern elevation which are to remain for use. The visibility from the existing access to the service yard is sub-standard to the right 2.4m x 30m and therefore a condition requiring repositioning of the palisade fence to provide for a vision splay of 2.4m x 40m has been suggested. The submitted plan has been annotated to indicate this is achievable and will be provided for both the existing and proposed access points.

The proposal also includes the provision of a new access point (from the existing highway) this would serve the proposed extension. This access point will require an industrial vehicular crossover and visibility splays of 2.4m x 40m in both directions, as such a suitably worded condition has been suggested.

Overall, it is commented that application site is served off the existing highway network that serves Hirwaun Industrial Estate, which is acceptable for safe pedestrian and vehicular access. Furthermore, there are no capacity or safety issues with regard to the existing highway in the vicinity of the site. As such, it is not considered that the proposal would result in an adverse impact upon highway safety in the vicinity of the site.

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.

Following consultation with Dwr Cymru it has been established that the site is crossed by a public sewer. Whilst Dwr Cymru do not object to the application, they state that they require access to their assets at all times. As such, a protection zone must be provided either side of the centre line of this sewer. As such, an informative, that draws the applicant's attention to this matter is suggested.

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

Conclusion

Having taken account of all of the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, upon residential amenity and its potential impact upon highway safety. Therefore the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - Location Plan scale 1:500
 - Drawing no. 2540 C 01 Proposed packaging plant- floor plan
 - Drawing no. 2540 C 02 Proposed packaging plant- elevations
 - Drawing no. 2540 C 03 Proposed packaging plant- elevations
 - Drawing no. 2540 C 04 Proposed packaging plant- site plans

and documents received by the Local Planning Authority on 28/03/17 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 drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

4. The extension shall not be brought into beneficial use 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 details shown on the submitted plans, development shall not commence until design and detail of the new vehicular access, footway provision and tactile crossing points have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. The vehicular access points onto the un-named road to the site shall be laid out, constructed and retained thereafter with 2.4 x 40 metre vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding.

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

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety.

=====

APPLICATION NO: 17/0024/10 (LJH)
APPLICANT: Mrs Katheryn Webster
DEVELOPMENT: Erection of boundary fencing, terracing and shed to front garden.
LOCATION: 134 KENRY STREET, TONYPANDY, CF40 1DF
DATE REGISTERED: 06/04/2017
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: Approve

REASONS:

The development is considered to be acceptable in respect of its visual impact and the impact it has upon the amenity and privacy of the neighbouring residential properties.

REASON APPLICATION REPORTED TO COMMITTEE

- The matter is required to come to Committee for the reason that three letters of objection have been received from a neighbouring property.

APPLICATION DETAILS

Full planning permission is sought to create terracing, erect a boundary fence and timber shed at 134 Kenry Street, Tonypany. The terraced area is proposed to be constructed within the north-east facing area of garden that fronts onto Kenry Street and will form part of a terraced garden with four tiers. The top tier is proposed to be timber decking and have a depth of 3.3m, the second level is proposed to be concrete slabs with a depth of 4m, the third area is proposed to be timber decking with a depth of 4m, and the lowest level is proposed to accommodate a timber shed. They are proposed to be raised between 0.6m to 0.9m from the ground levels immediately adjacent to the tiers.

The proposed shed would be sited at the front of the garden on the lowest tier and measure 3m in width by 2 metres in depth. It is proposed to have a pitched roof measuring a total height of 2.5m. The shed would be constructed from timber and stained dark green in colour.

It is proposed that the boundary treatment to the south-east of the site will consist of timber feather edge fencing which would follow the sloping nature of the site varying between 1.5m to 1.8m in height, similar to the existing fencing to the north-west of the site.

SITE APPRAISAL

The application site relates to a mid-terraced two-storey property fronting a north-easterly direction onto Kenry Street, Tonypany. It has a long, sloping garden to the north-east which has previously been terraced and a small rear garden to the south-west. The area of garden to the front of the property is quite prominent from the main highway of Kenry Street although it is relatively well screened by established conifer trees. It has previously been engineered to form three levels of terracing including steps up to the house. The plans submitted with this application show that this area of garden has already been terraced but it is thought that originally it would have sloped in a similar manner to the neighbouring gardens.

PLANNING HISTORY

There is no recent planning history relevant to the consideration of this application.

PUBLICITY

The application has been advertised by means of direct neighbour notification. Three letters of objection which are believed to be on behalf of one property have been received as a result of this exercise. They are summarised as follows:

- The increased fence height will overshadow my garden and cause loss of light. I feel claustrophobic when in my garden due to this.
- The development would have an adverse impact on the amenities of neighbouring properties by way of overlooking, loss of privacy and visually overbearing impact.
- The front elevation would be overbearing and intrusive to the neighbours at the front of the property.
- The fence is a safety hazard as it has been fixed to my smaller fence posts which are not suitable to support the large fence and it also prevents me from maintaining my fence.
- Risk of poor drainage and the creation of excessive surface water run-off into adjacent gardens.
- The plans do not show the true scale of the fence and it is in fact higher than the proposed two metres. In addition the proposal to renew the timber fence would mean the removal of my fence which I have had in place since 2008.
- The plans are not correct as the existing concrete slab deck has only recently been completed.

CONSULTATION

Structural Engineer – has advised that no structural calculations have been submitted as part of the application, and has therefore requested a condition requiring design calculations for the raised decking structure.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tonypany 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 to make a positive contribution to place making, including landscaping.

SPG – A Design Guide for Householder Development.

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to works to an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The works which include the construction of terracing, erection of a boundary fence and shed within the front garden are considered to be acceptable. While it is noted that it may have been more preferable to retain what would have been an attractive landscaped area previous to the terracing, it is acknowledged that neighbouring properties and properties further along the street have been developed in a similar manner. Although the immediate neighbouring properties retain open, landscaped gardens, there are a variety of properties/buildings with differing terraces, outbuildings, and boundary treatments in the area. When viewed within this wider context, it is not considered that the height or scale of the terracing, fence and shed would be so incongruous to warrant the refusal of planning permission. In addition, the proposed shed would be sited on the lowest tier behind a row of existing established conifer trees, and it is also proposed to stain the shed dark green in colour so that it blends with the trees. In this regard, the proposal is considered to have an acceptable impact on the character and appearance of the application property, the surrounding area, and the Rhondda Historic Landscape.

It is also considered that the proposed decking and shed complies with relevant guidance set out in the Council's supplementary planning guidance which advises that the area between the ground level and the decking should be kept to a minimum and outbuildings should not be over dominant in relation to surrounding properties.

Impact on residential amenity and privacy

As mentioned earlier in this report, the front garden has previously been terraced and this application is made to extend the terracing, erect a boundary fence and timber shed.

There is some concern regarding the potential impact to the adjoining neighbouring properties. The dwellings to the north-west and south-east have sloping gardens set at a lower level to the terracing. Whilst concerns exist in regards to the potential overlooking to these properties which the objectors also raise, the terracing exists and the application proposes to extend the third section of terracing. It is acknowledged that there have been three letters of objection received from a neighbouring property, however, it is not considered that the objections raised in relation to overshadowing, loss of light and the development being overbearing are substantiated as the application proposes to reduce the current fence height and it would only measure 1.8 metres following the sloping nature of the gardens.

One objector also states that the front elevation of the garden would be overbearing and intrusive to the neighbours at the front of the property. No objections have been received from the properties to the front of the site and it is not considered that the proposal would be overbearing or intrusive as the fence is not proposed to run along the front of the site. The shed is proposed to be sited behind the row of existing conifer trees at the front of the site, however, it is proposed to be only 2.5 metres in height which is a much lower height than the trees and therefore would be adequately screened. In addition, it is proposed to stain the shed dark green in colour therefore making it a subservient addition to the garden next to the trees.

Therefore, on balance, it is not considered that the impact of the development to these properties would be severely harmful. It is acknowledged that on one hand a degree of overlooking could be experienced but it is not considered that the level of overlooking would significantly be increased from that which already occurs at the site. Consequently, the proposal is not considered to be so harmful to the amenities of neighbouring properties to warrant the refusal of planning permission.

Other Issues

All three objectors raise issues regarding the safety of the fence, poor drainage and excess surface water run-off, that the fence will replace an existing fence owned by the objectors, and that they believe that the plans are not correct as the concrete slab deck has only recently been completed and the fence is taller than what is shown on the plans.

In response to the issues raised, regarding the fence being a safety hazard, this is not a material planning consideration. It is the applicant's responsibility to ensure that it is erected in a safe manner, whereby if any damage was caused to the neighbours' fence it should be dealt with as a civil matter. The statement that the proposed fence will replace an existing fence owned by the objector, this is neither a

planning matter and the applicant should seek permission from the land owner to remove the existing fence.

With regards to the statement that the plans are not correct, the concrete slab deck to which the objectors refer are considered part of this application and will be assessed as such. The objector also states that the fence is in fact higher than what is shown on the plan, this is correct. The proposal however includes the reduction in height of the previously erected fence which will also be considered as part of this application.

The objector raises concern that the terracing will bring a risk of poor drainage and create excessive surface water run-off onto adjacent gardens. The adjacent gardens do have a lower ground level than the application site due to their lack of terracing, however, two levels of the proposed terracing would be constructed from decking (porous material) with one level being concrete slabs, and it is therefore not considered that the amount of surface water which could potentially gather would be great enough to cause surface water problems or warrant refusal of the application.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the proposal is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans Typical Section, Existing Front Garden Plan, and documents received by the Local Planning Authority on 10/01/2017 and 06/04/2017, 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. Within two months of the date of this permission the developer shall submit details of the structural calculations of the raised decking in writing for the approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of public safety and amenity in accordance with policies AW5 and AW10 of the Rhondda Cynon Taff Local Development Plan.

=====

APPLICATION NO:	17/0235/13	(KL)
APPLICANT:	Mr John David	
DEVELOPMENT:	Outline application for a detached dwelling on the north east side of Havachat Bungalow.	
LOCATION:	HAVACHAT, CARDIFF ROAD, MWYNDY, PONTYCLUN, CF72 8PN	
DATE REGISTERED:	13/03/2017	
ELECTORAL DIVISION:	Pontyclun	

RECOMMENDATION: Approve

REASONS:

The application site is located outside of the defined settlement boundary. However, it is in close proximity to an allocation for high density residential development and existing and allocated employment land. Whilst the application is made in outline, the details submitted indicate that the site can be developed without resulting in an adverse impact upon the character and appearance of the surrounding area, the residential amenity of neighbouring properties and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Outline planning permission is sought for the construction of a residential dwelling on land forming part of the residential garden curtilage of an existing property known as 'Havachat' which is located in close proximity to the junction between the A4119 and Cardiff Road in Miskin, Pontyclun. The application includes details of access, layout and scale for assessment with all other matters (appearance and landscaping) being reserved for future consideration.

The proposed dwelling would be sited to the north-east side of the existing bungalow and would be orientated to face a westerly direction toward Cardiff Road. It would be accessed via a new site entrance and access track off Cardiff Road which would run alongside the north-east facing side elevation of the existing bungalow. Three off-street car parking spaces would be provided at the front of the proposed dwelling.

The dwelling would measure 9.6 metres in width, 8.98 metres in depth and 6 metres in height. Although no details have been included to illustrate the design and overall finish of the dwelling, the design and access statement indicates that it would be of a traditional design incorporating a timber frame, brickwork and tiled sloping roof with dormer-type windows.

The application is accompanied by the following supporting documents:

- Design and Access Statement

It should be noted that the application represents the resubmission of a previously refused application for two dwellings at the site (ref. 16/1132). The application was refused as the proposal was considered to present an unjustified residential development outside of the settlement limits. It was also considered that the proposal, by virtue of its scale and layout, would compromise the open character and appearance of the site.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land that currently forms part of the side garden curtilage of an existing residential property known as 'Havachat' on Cardiff Road, Mwyndy, Pontyclun. It is located in close proximity to the junction between A4119 and Cardiff Road (B4264) and is largely screened from view by an established tree line and boundary fence to the northern boundary.

The site is predominantly flat however, it is noted that it slopes slightly toward the most eastern boundary. There are currently a number of pigeon lofts around the perimeter of the site although these would be removed from the site in order to accommodate the proposed works.

The surrounding area is characterised by a number of residential properties which vary in terms of their scale and design. The nearest neighbouring properties include 'Hillside' to the south-west and 'Treetops' and 'Long Acre' to the north-east.

PLANNING HISTORY

16/1132	Havachat, Cardiff Road, Mwyndy Pontyclun	Outline application for the development of 2 houses (amended plans 01/12/16)	Refused 14/12/16
06/0708	Land adjacent to Havachat Bungalow	Detached Dwelling (Outline) (Resubmission)	Granted 22/09/06

Mwyndy
Pontyclun

06/0007	Land adjacent to Havachat Bungalow Mwyndy Pontyclun	Detached Dwelling (Outline)	Refused 21/02/06
---------	---	-----------------------------	---------------------

PUBLICITY

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

CONSULTATION

Countryside Landscape, Ecology – no objection subject to condition.

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

Natural Resources Wales – no objections.

Public Health and Protection – no objection subject to conditions.

Transportation – no objection subject to conditions.

Wales & West – no objection.

Dwr Cymru/Welsh Water – the applicant intends utilising a septic tank facility and it is therefore advised that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside the defined settlement boundary for Pontyclun and is not allocated for any specific purpose.

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

Policy AW1 – identifies the sources of land for new housing, which do not include land outside the defined settlement boundaries.

Policy AW2 – supports development in sustainable locations and includes sites that are within the defined settlement boundary which would not unacceptably conflict with surrounding uses.

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

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

Policy AW10 – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including air, noise or water pollution.

Policy SSA13 - gives criteria for housing development within settlement boundaries. Development will not be permitted outside the defined settlement boundaries.

Supplementary Planning Guidance:

Design and Placemaking
Access, Circulation and Parking

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application proposes the construction of a residential dwelling with associated vehicular access and parking on a parcel of land that is located outside the defined settlement limits. As such, the key consideration in the determination of the application is whether the principle of residential development is acceptable upon the site. In addition to this, it will also be necessary to consider whether the site is capable of accommodating the dwelling, associated means of access and parking

facilities, without resulting in a detrimental impact upon both the amenity and privacy of neighbouring dwellings and the character and appearance of the surrounding area. The implications of the development upon highway safety in the vicinity of the site are a further consideration.

Principle of the proposed development

In the assessment of any planning application for residential development, the first consideration must be the location of the site in planning policy terms. Policies AW 1, AW2 and SSA13 of the Local Development Plan primarily seek to promote development in sustainable locations within the defined settlement boundary and development would therefore not usually be permitted in locations outside of these areas. However, Planning Policy Wales (PPW) states that sensitive infilling or extensions to existing settlements may be acceptable.

In the case of this application, the proposal relates to the construction of a single residential dwelling on a plot of land which currently forms part of the garden curtilage of an existing residential property. The site is located on the perimeter edge of a small group of residential properties which are outside of the defined settlement boundary and it is therefore considered that the development would be contrary to Local Development Plan. However, it is noted that the boundary of the undeveloped strategic housing site at Cefn yr Hendy, Miskin (as part of the Mwyndy/Talbot Green Area Strategic Site) is located immediately to the north-east of properties directly opposite the site and it is therefore considered that there is some rationale for development in this location. Furthermore, the site is located in close proximity to existing and allocated employment land and is well served by existing infrastructure with pavements available for safe pedestrian access to local communities. A shop is located within the service station along the adjacent dual carriageway (approximately 400 metres away) with other facilities such as schools and Miskin village centre being located approximately 1 kilometre away.

Whilst the application site is not considered to represent an infill plot, it would form a minor extension to the existing pattern of development along Cardiff Road. There is no opportunity for any further development surrounding the site due to the location of the A4119 immediately to the north-east and a Site of Importance for Nature Conservation (AW8.101) to the south-east. As such, development would be restricted to the boundaries of the residential curtilage of the existing dwelling and the development is therefore considered to be acceptable in this regard.

Consequently, the proposal would be contrary to policies SSA13 and AW2 of the Local Development Plan in terms of its location outside of the defined settlement boundary. However, given the location of the Cefn yr Hendy housing allocation site and existing and allocated employment land and that there is no scope for the site to be developed further, on balance, the principle of the proposed development is considered to be acceptable subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The application represents the resubmission of a previously refused application which sought approval for two dwellings at the site. The application was refused as it was considered that the proposal, by virtue of its scale and layout, would compromise the open character and appearance of the site. The scheme, whilst almost identical to the current proposal, included another dwelling directly to the rear of the existing bungalow. The second plot was considered to be unacceptably small and there was significant concern that it would not only result in overdevelopment of the plot but also that it would fail to integrate positively with the existing pattern of development. The current scheme for a single dwelling has been submitted as a result of discussions with the applicant.

As with the previous application, there is some concern that the proposed dwelling would represent an unjustified extension of urban development which would, in turn, alter the rural character of the surrounding area. However, the dwelling would sit comfortably within the plot with adequate space for off-street car parking and amenity areas. In addition to this, the dwelling would be set back into the plot and would be of a sympathetic scale which, when viewed in context with the existing bungalow, would not appear to be overly prominent within the wider street scene.

Whilst no details have been submitted with regard to the overall design and finish of the dwelling, this would be considered as part of a further reserved matters application for appearance and landscaping. It is, however, noted that the accompanying Design and Access Statement confirms that the dwelling would be of a traditional design with dormer-style windows which would largely be in-keeping with the existing bungalow.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the character and appearance of the surrounding area and it would therefore comply with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The proposed dwelling would be sited to the north-east of the existing bungalow and would be positioned in such a way that it would not adversely impact on the residential amenity or privacy of that property. In addition to this, it would be of an acceptable scale which would ensure that any overbearing and overshadowing impact would be kept to a minimum.

Other properties surrounding the site ('Long Acre' and 'Treetops') are located a sufficient distance away from the site and it is not considered that the residential amenity of these properties would be harmed.

As such, the proposal is considered to be acceptable in terms of the impact it would have on the residential amenity and privacy of surrounding properties and it would therefore comply with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

Impact on Highway Safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the impact of the proposal on highway safety. It is noted that the response received raises no objection in relation to the proposal, subject to conditions.

The proposed development would be served via a private shared access off the B4264 (Heol Miskin) which would run alongside the existing bungalow ('Havachat'). The access, as shown on the submitted 'Proposed Site Plan', is considered acceptable to act as a primary means of access to the serve the proposed development.

There are currently a number of accesses off the B4264 which are associated with Havachat Bungalow. As part of an approved application at the site (ref. 06/0708), it was conditioned for these accesses to be closed off in order to limit the number of vehicular access points to/from the B4264 in such close proximity to the A4119. The proposal indicates that the existing wall to the front of the existing bungalow would be extended to ensure that the existing parking area to the front could only be accessed via the proposed private shared access rather than directly off the B4264. This is considered acceptable, however, there is some concern that the proposal does not appear to include the blocking up of the existing gated access to the south side of the bungalow. As such, a condition which requires the blocking up of this access is suggested.

It is noted that the proposal includes a turning head which, when compared to RCTCBC Design Guide Standard Detail 102, is considered to be sub-standard. However, the applicant has submitted evidence which demonstrates that a car is able to turn safely within the site and the turning head is reluctantly considered acceptable.

The vision splay at the junction between the private shared access and the B4264 would be obstructed to the right by existing vegetation and falls well below the requirement set out in TAN 18. However, the applicant intends to remove 2 of the trees which are currently located immediately to the right of the proposed access. There is slight concern that the trees are located outside of the applicant's control however it is noted they are located within the Council's ownership and their removal can therefore be secured via a suitably worded planning condition.

In accordance with the Council's SPG: Access, Circulation and Parking, the four bedroom dwelling would have access to 3 off-street car parking spaces which is considered to be acceptable. In addition to this, the existing off-street parking spaces for the existing bungalow would be retained and served off the proposed private shared access which is also considered to be acceptable.

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

Other:

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal, however, a number of conditions have been suggested in relation hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation and the suggested are not considered necessary. An appropriate informative note would be sufficient in this instance.

It is also noted that an iron-ore works formerly occupied the site and that it is located within 250m of a landfill site. It is therefore considered that there is potential for contamination to exist on site and a condition is therefore suggested.

Drainage

It is noted that consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. No objection has been received in relation to the application, subject to standard conditions and advice.

Ecology

The proposal would result in the removal of two trees from the land immediately to the north of the proposed private access. The trees are not protected by a Tree Preservation Order, however, consultation has been undertaken with the Council's Ecologist to ensure that there would no implications in terms of ecology. The comments received consider that bat potential is low however there may be potential for nesting birds. As such, a condition is recommended to ensure that the trees are either felled outside of the bird nesting season (i.e. 1st March – 1st August) or in accordance with a method statement to be submitted to and approved by the Local Planning Authority.

Community Infrastructure Levy Liability

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

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

Conclusion

Whilst there is concern that the proposal would result in unjustified development in the countryside, it is noted that the site is located in close proximity to a site allocated for high density residential development and to existing and allocated sites for employment. In addition to this, it is considered to be acceptable in terms of the impact it would have upon the character and appearance of the surrounding area,

the residential amenity and privacy of surrounding residents and upon highway safety and, on balance, the proposal is considered to be acceptable.

RECOMMENDATION: Grant

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

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

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and details received by the Local Planning Authority on 27th February 2017 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. Havachat/002: Proposed Site Plan (Sheet 1 of 2)
- Drawing no. Havachat/003: Proposed Site Plan (Sheet 2 of 2)
- Drawing no. Havachat/004: Site Sections
- Drawing no. 1611-001: Topographical Survey
- Drawing no. 1611-002: Topographical Survey

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 drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

Development Plan.

4. No 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. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

6. 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.

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

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

8. Notwithstanding the submitted plans, development shall not begin until design and details of the private shared access and vehicular crossover have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the dwellings.

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

9. The vehicular access to the site shall be laid out, constructed and retained thereafter with 2.4m x 31m metre vision splays.

Reason: To ensure that adequate visibility is provided, in the interests of highway safety and in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

10. The existing accesses to the frontage parking of Havachat Bungalow shall be permanently closed off in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

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

11. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless as otherwise agreed by the Local Planning Authority.

Reason: To prevent surface water run-off from discharging into the public highway drainage system, in the interests of highway safety and 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 to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period unless otherwise approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the means of access into the site for all construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) the management of vehicular and pedestrian traffic;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) the sheeting of lorries entering and leaving the site.

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

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

Reason: In the interests of the safety and free flow of traffic and in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

14. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- a) 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.
 - b) 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.
 - c) 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 been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

Development Plan.

15. The two trees to the north of the approved access shall be removed outside of the nesting bird season unless a suitable method statement for their removal at any other time has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the biodiversity of the site in accordance with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

=====

APPLICATION NO: 17/0326/15 (PB)
APPLICANT: Mrs Christina Leyshon
DEVELOPMENT: Variation of condition 1 of planning consent ref: 13/0988/13 to permit a period of a further 3 years for the submission of Reserved Matters for a single dwelling house.
LOCATION: TYBERW, HAFOD LANE, PANTYGRAIG-WEN, PONTYPRIDD, CF37 2PF
DATE REGISTERED: 17/03/2017
ELECTORAL DIVISION: Rhondda

RECOMMENDATION

REASONS:

Outline planning permission for a single detached house was granted in April 2014, since when there has been no material change of circumstances at the site and the planning policy context remains the same. The extant outline consent for a dwelling is a very weighty material consideration, and when balanced against the absence of change in the planning policy context, circumstances at the site and lack of objections from consultees and members of the public, the greater weight lies in favour of granting approval for an extension of the timescale in which reserved matters may be submitted.

REASON APPLICATION REPORTED TO COMMITTEE

The applicant is a serving elected Member of the Council.

APPLICATION DETAILS

This application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks variation of condition 1 attached to planning permission (application reference 13/0998) for the construction of a new dwelling house on land at Ty Berw,

Hafod Lane, Pantygraig-wen, Pontypridd. Planning permission was granted in outline on 2nd April 2014 and condition 1 of the consent reads as follows:

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

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

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

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

The current application relates to part (c) of the condition and specifically seeks a variation to permit a period of a further three years for the submission of Reserved Matters. In other words, the application in effect looks to extend the life of the outline planning permission by seeking approval for a further period of three years for the submission of details of a dwelling house to be constructed on the site. The details of the proposed development as set out below.

The proposed detached dwelling would be located approximately 35m to the south east of the existing property, Ty Berw with the indicative access to the dwelling being shown as off the existing lane access to that property.

All matters of detail are reserved for future consideration. The following measurements detail the minimum and maximum dimensions of the dwelling and these are as follows:

	Minimum	Maximum
Length	13.5m	16m
Width	8m	8m
Height	6.5m	6.5m
Footprint	108 sq.m	128 sq.m

An indicative site plan shows a detached dwelling with attached garage, a parking area and a large residential curtilage of approximately 40m by 35m (1400sq.m).

SITE APPRAISAL

The site is a roughly rectangular shaped piece of undeveloped hillside land located approximately 35m to the south east of Ty Berw. The site slopes steeply from the

highway at Hafod Lane to the south of the site and offers prominent to cross-valley views over the lower Rhondda valley.

The site is an existing field within the larger 53 hectares of land that is understood to be farmed as part of Trefechan Farm and appears to be used for the grazing of sheep. The application site is accessed off an unmade single track lane that winds up the hillside from a junction with Hafod lane and serves an existing neighbouring dwelling at Ty Berw. Hafod Lane is an adopted single track lane that extends along the hillside from Pontypridd to Llwynceilyn, Porth.

PLANNING HISTORY

13/0988	Land at Ty Berw, Hafod Lane, Pontypridd	Outline application for single detached dwelling.	Approved 02/04/14
13/0638	Land adjoining Ty Berw, Hafod Lane, Hopkinstown	Outline residential - single dwelling	Refused 06/09/13
90/0685	Land adjoining Ty Berw, Hafod Lane, Hopkinstown	Outline residential development	Refused 15/03/91
88/0393	Ty Berw Cottage, Hafod Lane, Hopkinstown	Alterations and repairs	Conditions 31/05/88
87/0922	Ty Berw Cottage, Off Hafod Lane, Hopkinstown	Alterations, adaptations and repairs	Refused 26/01/88
87/0532	Ty Berw Cottage, Coed yr Hafod, Fawr Uchaf, Hafod Lane, Hopkinstown	Section 53 application – conversion of farmhouse and linked cow shed into 2 storey dwelling	Permission Required 11/09/87

PUBLICITY

Neighbouring properties have been notified of the application which also has been the subject of site notices.

No representations received from members of the public.

CONSULTATION

Transportation Section – no objection subject to re-imposition of the highway conditions attached to the previous planning permission for this development.

Land Reclamation & Engineering – no comments to offer.

Public Health & Protection – no comments to offer.

Natural Resources Wales – no observations to offer.

Dwr Cymru/Welsh Water – notes that the proposed development intends utilising an alternative to mains drainage therefore is outside its jurisdiction unless connection to a public sewer system is proposed.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is outside of the defined settlement limits of Pontypridd and its surrounds and within a Special Landscape Area (Policy NSA25.3 – Llwyncelyn Slopes).

Policy AW1 focuses on the delivery of new housing and includes the development of unallocated land inside the settlement boundary.

Policy AW2 supports development proposals in sustainable locations and includes sites that do not unacceptably conflict with surrounding land uses. Within the reasoned justification for this policy (paragraph 5.10) it is stated that applications for Rural Enterprise Dwellings will be considered in accordance with Planning Policy Wales and Technical Advice Note 6.

Policy AW5 sets out the criteria for new development, noting that proposals will be supported where:

- The scale, form and design of the development would have no unacceptable effect upon the character of the site and surrounding area.
- There would be no significant impact upon the amenities of neighbouring occupiers
- The development would be compatible with other uses in the locality.
- The development would provide adequate car parking facilities would have safe access to the highway and would not cause or exacerbate traffic congestion.

Policy AW6 supports development proposals that provide landscape, planting and open space provision to enhance the site and the wider context. Amongst other criteria the policy also supports development that has a high level of connectivity and accessibility to existing transport modes.

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

Policy NSA25.3 – Development in Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials. The application site is located within the Llwyncelyn Slopes Special Landscape Area

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport), Chapter 9 (Housing) 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 6: Planning for Sustainable Rural Communities;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issue:

The application proposes the development of dwelling in the countryside beyond the settlement limits of Pontypridd and within the Llwyncelyn Slopes Special Landscape Area as defined in the Rhondda Cynon Taf Local Development Plan. Also, the highway network that serves as accesses to and from the site is narrow, substandard and lacks pedestrian segregation. These key material considerations were taken fully into account on the occasion when the original application for this development was before the Council. Outline planning permission was granted on 2nd April 2014, since when there has been no material change of circumstances at the site and the planning policy context remains the same. The extant outline consent for a single detached dwelling therefore is a very weighty material consideration, and when balanced against the absence of change in the planning policy context, circumstances at the site and lack of objections from consultees and members of the public, the greater weight lies in favour of granting approval for an extension of the timescale in which reserved matters may be submitted. Accordingly, approval of the application is recommended subject to the re-imposition of the conditions attached to the original planning permission, except the Code for Sustainable Homes conditions (12, 13 and 14) no longer necessary since these matters have transferred to the Building Regulations.

Community Infrastructure Levy (CIL) Liability

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

The outline permission in respect of this development (which is the day planning permission was granted) was prior to 31st December 2014 therefore there is no CIL liability.

RECOMMENDATION: Grant

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

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

2. The development shall be carried out in accordance with the following approved plans:

- Site Location Plan dated received 17th March 2017

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure, satellite antennae or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reason: To preserve and enhance the visual amenities of the locality in accordance in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

5. 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 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.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the 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 in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

8. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority, and

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.

9. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the existing access widened to 4.8m for the first 12m have been submitted to and approved in writing by the Local Planning Authority. The amended access shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway safety and for the avoidance of reversing movements to and from Hafod Lane in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the submitted plans, development shall not commence until design and details of the private shared access including; construction details, surface-water drainage details, turning area for delivery and emergency vehicles, private shared access widened to 4.1m with 4.8m x 12m passing bays have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

12. Off-street parking shall be in compliance with Rhondda Cynon Taf's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

=====

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

22 JUNE 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

This page intentionally blank