

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**DEVELOPMENT CONTROL
COMMITTEE
20 JULY 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: 16/0692 - Demolition of detached garage and construction of detached dwelling in its place including demolition of single storey annex to western side of no. 44 to provide 2 no. off-street parking spaces for no. 44 (amended description, application and CIL forms received 03/05/17, amended plans received 21/04/17), 44 Chapel Road, Llanharan, Pontyclun.
2. Application No: 16/0846 - Discharge of Conditions 1 - 19 of planning permission 12/0446/10, Maesfach Development, Godreaman Street, Godreaman, Aberdare.
3. Application No: 16/1085 - Variation of conditions 1, 2 and 3 of application 12/0446/13, land at end of Godreaman Street, Godreaman, Aberdare.
4. Application No: 17/0299 - Change of use from C3 (Dwelling houses) to a C4 (Houses in multiple occupation), 13 Windsor Road, Treforest, Pontypridd.
5. Application No: 17/0309 - Retrospective application for conversion of dwelling (Class C3), to house in multiple occupation (Class C4), 88 Broadway, Treforest, Pontypridd.
6. Application No: 17/0363 - Reserved matters application for proposed landscaping, Gene Metals, Kingsland Terrace, Treforest, Pontypridd.
7. Application No: 17/0399 - Proposed erection of Class B1/B2/B8 units and associated external alterations (Unit 10), Unit 10, Hepworth Park, Coedcae Lane, Pontyclun
8. Application No: 17/0405 - Change of use of property from category C3 Dwellinghouse to a category C4 house in multiple occupation, 23 Egypt Street, Treforest, Pontypridd.

- 9.** Application No: 17/0480 - New Y Bwthyn Specialist Palliative Care Unit on an area of land to the South Eastern corner of the Royal Glamorgan Hospital campus, will include a re-alignment and alteration to the existing car parking area and roadway, including the provision of a drop-off point, 28 further parking spaces and landscaping. The unit will comprise of 8 single ensuite bedrooms, a day unit and therapy areas including a multi-faith room, an office area for staff, informal reception and seating area with shared kitchen, Royal Glamorgan Hospital, Hospital Road, Ynysmaerdy, Llantrisant, Pontyclun.
- 10.** Application No: 17/0695 - Installation of a new dedicated access point and 4.8m wide carriageway connecting to the existing playground to the north of the site served by a vehicular crossover to the adopted highway on Graiglwyd, modifications and alterations to the existing front elevation car park to increase parking capacity and the installation of a new Multi Use Games Arena to the north east of the site on the site of the existing sports field, Maesgwyn Special School, Cwmdare Road, Cwmdare, Aberdare.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0692/10 (MF)
APPLICANT: Mr E Worgan
DEVELOPMENT: Demolition of detached garage and construction of detached dwelling in its place including demolition of single storey annex to western side of no. 44 to provide 2 no. off-street parking spaces for no. 44 (amended description, application and CIL forms received 03/05/17, amended plans received 21/04/17).
LOCATION: 44 CHAPEL ROAD, LLANHARAN, PONTYCLUN, CF72 9QB
DATE REGISTERED: 03/05/2017
ELECTORAL DIVISION: Llanharan

RECOMMENDATION: Approve

REASONS: The principle of residential development at the site is acceptable. Whilst it is acknowledged the proposed would inevitably result in a visible feature along the street and will have a degree of impact upon the amenities of the nearest properties, it is not considered any potential impact would be significant enough to warrant refusal of the application.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as two letters of objection and a petition were received from surrounding residents following the statutory consultation process.

APPLICATION DETAILS

Full planning permission is sought for the demolition of a detached garage and for the construction of a detached dwelling in its place within the garden area to the west of 44 Chapel Road, Llanharan.

Following the removal of the existing garage, the proposed dwelling would be sited centrally within the plot and orientated towards the highway, set back from the street by 5m to allow for 2 no. off-street parking spaces to the front. Access to the site would be gained via the existing dropped kerb and vehicle crossover along the front of the site, off Chapel Road. An enclosed garden area would be located to the rear of the new dwelling. The existing boundary walls along the western side and rear boundary of the site would not be removed as part of the proposed development.

The property would be of a modern, two-storey design incorporating a full height bay to the left of the front elevation and a small, two storey projection along the western side elevation. Various aluminium framed glazing would be located throughout and finishing materials would comprise a mixture of natural stone, render, timber cladding, and slate roof tiles. The proposed dwelling would accommodate 3 no. bedrooms and a bathroom at first floor level with various living accommodation sited at ground floor level.

As the proposed dwelling would remove the off-street parking (garage) for the existing dwelling, no. 44 Chapel Road, the applicant has proposed the single storey annex to the western side elevation of no. 44 be removed as part of the scheme to allow for a driveway accommodating 2 no. off-street parking spaces to be created for no. 44. A new associated vehicular crossover and dropped kerb would be installed to the front of no. 44 to allow access.

SITE APPRAISAL

The application site is a rectangular plot of land forming part of the garden area of no. 44 Chapel Road, Llanharan. The plot is located directly to the west of the existing property and is currently occupied by a detached double garage which is set in line with the front building line of no. 44. The garden area to the western side and rear of the garage is enclosed by an attractive stone wall and hedge beyond which is a service lane. The plot fronts the highway and rises gently from front to back.

The surrounding area is residential in nature being characterised by a mix in house styles. The properties along the development side of the street are predominantly traditional, two storey semi-detached and terraced dwellings all of a similar design and scale, however, the adjacent building to the west of the site is a converted chapel and a modern estate is located opposite which comprises a mix of large detached and smaller semi-detached and terraced dwellings of a more modern design.

PLANNING HISTORY

Previous planning applications submitted at the site:

15/1436	Land adjoining 44 Chapel Road, Llanharan	Detached dwelling (outline)	GTD 20/01/16
15/0654		Detached dwelling	WDN 23/07/15

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Two letters of objection from occupiers of neighbouring properties and a petition signed by 12 local residents have been received, making the following comments (summarised):

- The proposed dwelling would be out of character with the surrounding locality and would lead to overdevelopment of the site.
- Chapel Road is a narrow and busy street with a significant number of vehicles parked along the highway. As such the highway can sometimes become blocked and larger vehicles are unable to pass. The proposed development may therefore result in emergency and delivery vehicles being unable to reach other properties along the street.
- The street is a dead end with the only turning points being the service lane adjacent to the application site and the entrance to Bethlehem View opposite. As such this area of the street is always busy and can be dangerous for both vehicles and pedestrians. The proposed would therefore exacerbate this issue having a detrimental impact upon highway safety in the area.
- Pedestrians use Chapel Road as the main route between Brynna and Llanharan train station. Any additional traffic along the street would have a detrimental impact upon pedestrian safety.
- Whilst the proposal will provide off-street parking for no. 44, the installation of a new vehicular crossover and dropped kerb would stop others parking to the front of no.44, increasing the existing parking issues along the street.
- Construction traffic would block the street and leave debris/mud on the road.
- Japanese Knotweed is present in the lane/woodland to the rear of the site. There are concerns that the proposed development may lead to the spread of the plant.
- Llanharan is becoming overdeveloped. Its current amenities struggle to cope with the influx of new residents. The proposed dwelling would exacerbate this issue.
- The proposed dwelling would obscure views from the adjacent properties.

CONSULTATION

Transportation Section – no objections, subject to conditions.

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

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

Countryside, Landscape and Ecology – no objection.

The Coal Authority – no objection.

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

Wales and West Utilities – no objection, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

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

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

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

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

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

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

Policy SSA13 – sets out the criteria for development within settlement limits in the southern strategy area.

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 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), 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.

Principle of the Proposed Development

Full planning permission is sought for the erection of a detached dwelling on this 'rounding off plot' along Chapel Row, Llanharan. The site is situated inside of the defined settlement limits and within an established residential area. It also noted that outline consent was granted for a single detached dwelling on the site in 2016. Consequently the principle of residential development at the site has already been established. Whilst the comments received from an objector stating that Llanharan is becoming overdeveloped and its current amenities cannot cope with the influx of new residents, it is not considered the addition of one dwelling into the area would exacerbate this issue.

It is subsequently considered that the construction of the proposed dwelling, in principle, is acceptable, subject to an assessment of the following criteria.

Visual Impact

The application originally proposed a three storey dwelling incorporating a garage at basement level and a larger scale property in general. It was considered this type of the development, at this site, would result in a significant detrimental impact upon the character and appearance of the locality. As such, amended plans were received on 21st April 2017 whereby the design and scale of the proposed dwelling was altered

removing the garage and reducing the overall scale to that of a more traditional two storey design (the current scheme).

A number of concerns have been raised by neighbouring residents in respect of both the original and amended scheme, detailing that the design and scale of the proposed dwelling would result in detrimental impact upon the character and appearance of the surrounding locality. Whilst these comments are noted and it is acknowledged the proposed dwelling would be of a larger scale and of a more modern design than that of the surrounding dwellings, it is considered the amendments have overcome the original concerns and any potential visual impact would be so significant as to warrant refusal of the application.

The application site forms a garden area to the side of the last property along the main row of dwellings along Chapel Road. As such, the site forms a natural 'rounding off' plot and it is considered its development would complement the existing pattern of development, finishing the row, whilst not leading to overdevelopment of the area.

The dwelling would be appropriately positioned within the plot to leave adequate space for amenity and parking areas and it is therefore considered that the proposal would not lead to an over intensive form of development and will also allow for a degree of landscaping to be retained around the new building. Additionally, whilst the new building would be of a considerable scale, larger than that of the adjacent dwellings along the row, it is considered the larger scale property would complement the existing row, finishing it, as seen in many similar traditional streets throughout the Borough where the end properties are often of a greater scale than that of those in-between. Further, the dwelling would be orientated to address the highway, would be of the same height as the adjacent property, no. 44, and whilst set back from the street, would generally following the existing pattern of development along the street.

With respect to the design of the proposed dwelling itself, whilst it is acknowledged the proposed would be of a more modern design than that of the adjacent dwellings along the street and would therefore inevitably result in a visible feature, it is considered to be of an attractive, modern design that would incorporate traditional features such as a bay to the front and pillars at either side of the drive which will help it to compliment the traditional nature and character of the surrounding street. Further, it will be finished in a mix of both traditional and modern external materials which will go some way to ensure the dwelling is not overly prominent, including natural stone and slate roof tiles alongside timber cladding and render that are often seen in similar modern developments throughout the Borough.

Consequently, whilst the concerns raised by the objectors are noted and it is acknowledged the proposed dwelling will inevitably form a visible feature along the street scene, it is considered that it would generally be read in the context of the existing settlement and its scale and design would not have a significant enough

impact upon the character or appearance of the immediate site or its wider setting to warrant refusal of the application. Therefore, on balance, the proposal is considered to be in accordance with local and national planning policy in respect of its potential visual impact.

Residential Amenity

It is not considered the proposed dwelling would have a significant impact upon the amenity standards currently enjoyed by the surrounding properties. It would be located over 30m from the adjacent property to the west, The Vestry, and therefore no overshadowing or overbearing impact will occur upon this property. It is noted however that a number of windows would be located within the proposed dwellings western side elevation which will directly face The Vestry, however, given the separation distances detailed above, it is not considered the degree of overlooking that would occur would be significantly different to that which already occurs from no. 44 and therefore would not be significant enough to warrant refusal of the application.

It is acknowledged the proposed the dwelling would be erected in close proximity to the existing property to the east, no.44 Chapel Road, and therefore a degree of impact will inevitably occur upon this property in respect of overlooking, overshadowing and overbearing. However, the proposed would be constructed to the side of the existing dwelling, alongside its gable end elevation, resulting in a similar relationship to that which is present between the other properties along the street. It is therefore considered that this type of relationship is typical of the area and any potential impact would not be so significant as to warrant refusal of the application.

Subsequently, having considered the relationship between the proposed building and the existing properties in the street, whilst it is acknowledged a degree of impact will inevitably occur, it is not considered any potential impact would be so significant that it would warrant refusal of the application. Therefore, on balance, the development is considered acceptable in this regard.

Highway Safety

Whilst it is acknowledged that a number of concerns have been raised by local residents in respect of highway safety, following consultation, the Council's Transportation Section raised no objections to the proposal, subject to conditions, as the scheme indicates the provision of adequate access and off-street parking facilities for both the proposed and existing dwellings.

As detailed above, amended plans were received on 21st April 2017. As well altering the design of the proposed dwelling, the amendments also detailed that the single storey annex to the western side of no 44. would be removed to accommodate

a driveway for that property given the proposed dwelling would remove the existing off-street parking facilities (the garage). This alteration was made following an initial objection from the Council's Transportation Section and subsequent discussions between the applicant and the Council.

Following submission of the amended plans and subsequent consultation, the Council's Transportation Section commented that the access to site is via the adopted Chapel Road where there is substantial on-street parking demand due to the lack of curtilage parking in the street. Further, Chapel Road lacks a dedicated turning area and large vehicles have to utilise the junction between Chapel Road and Bethlehem View. As such, there is some concern in respect of access and parking in the street. The Transportation Section also commented however that it is not considered the introduction of one further dwelling in to the street would significantly increase traffic movements or exacerbate the existing issues and the development will provide 2 no. off-street parking spaces for the existing and proposed dwellings, which is acceptable. As such, whilst it is acknowledged the proposal would remove the on-street parking space outside of no. 44, on balance, no highway objections are raised subject to a number of standard conditions in respect to the access and parking spaces being attached to any consent.

It is also acknowledged that a number of residents have expressed some concern with regard to the additional use of Chapel Road by construction traffic, commenting that the vehicles associated with the development of the dwellings will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time. Furthermore, a condition has been suggested by the Council's Transportation Section which would seek to reduce this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times. Consequently, it is not considered that the movement of additional traffic generated by the construction of a single dwelling, along the existing adopted highway of Chapel Road, would result in an impact upon the amenities of existing residents that would be so great as to warrant the refusal of the planning application.

In conclusion, whilst the comments received from local residents in respect of highway safety are acknowledged and there is some concern with regards to increased traffic through the narrow residential street leading to the site, taking into account the proposal is for a single dwelling only with limited additional vehicle movements and the schemes details adequate access and parking facilities, and given the above highways assessment, the proposal is considered acceptable in respect of its potential impact upon highway and pedestrian safety in the vicinity of the site, subject to the conditions detailed below.

Public Health

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

Historic Coal Mining Activity

The application site falls within the defined Development High Risk Area where coal mining features and hazards may be present and should be considered as part of the development proposals. As such the applicant submitted a Coal Mining Risk Assessment report with the application and consultation has been undertaken with the Coal Authority.

The Coal Authority commented that the content and conclusions of the CMRA are sufficient, demonstrating that the application site is, or can be made, safe and stable for the proposed development and therefore no objections are raised or conditions suggested.

Drainage

It is noted that Dwr Cymru/Welsh Water (DCWW) have commented that following a review of the proposed development, it was concluded that the anticipated flows would overload the existing public sewerage system and that DCWW plan no improvements in the area within their current Capital Investment Programme. However, DCWW also commented that they have been liaising with the applicant in respect of removing surrounding surface water from the public sewer network in order to accommodate the foul flows from the proposed development to ensure that there is no net increase in volume of flows and therefore, no further detriment to the recorded incidents of hydraulic overload downstream.

The discussions between DCWW and the applicant have resulted in suitable soakaways being proposed to remove the existing surface water. DCWW have commented that this is acceptable and alleviates their concerns. Therefore no objections are raised subject to a condition being attached to any consent detailing that a suitable drainage scheme shall be submitted to and approved by the Local Planning Authority prior to any works starting on site.

In light of the comments from DCWW, the Council's Land Reclamation and Engineering section have no objections to the scheme subject to a condition being added to any consent requiring the full drainage details be submitted to and

approved by Local Planning Authority prior to any works starting on site. The scheme is therefore acceptable in this regard.

Ecology

It is noted that consultation has been undertaken with the Council's Ecology section with a view to assessing any potential impacts upon ecology on or adjacent to the site. Their responses raise no objection to the planning application subject to standard conditions and advice.

Other Issues

It is noted that an objector has commented that Japanese Knotweed is present in the lane/woodland to the rear of the site and there are concerns that the proposed development may lead to the spread of the plant. Whilst these comments are acknowledged, it was evident during the officer site visit that no Japanese Knotweed is present on site, therefore given the nature of the proposed development and the fact the land/lane to the rear would not be disturbed, it is not considered the proposed would result in the spread of the plant. It is noted however that as the issue exists outside of the application site, this point cannot be taken into consideration during the determination of this application. Further, it is considered that issues relating to the spread of Japanese Knotweed can be more efficiently controlled by other legislation. Therefore no conditions are suggested in this respect.

With regard to the issue raised by an objector in respect of the proposed dwelling obscuring views from the adjacent properties, this is not a material planning consideration and cannot be taken into account during the determination of the application.

Community Infrastructure Levy Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application site lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £2631.09.

Conclusion

Whilst it is acknowledged the proposed dwelling will inevitably form a visible feature along the street, it is considered that it would generally be read in the context of the existing settlement and would round off the existing row. Further, it is considered the modern design and mix of traditional and modern finishing materials will complement the existing character of the street. As such, it is not considered the visual impact would be so significant as to warrant refusal of the application.

Further, whilst there will inevitably be a degree of impact upon the amenities of the nearest neighbours and upon highway safety, again, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Therefore, on balance, the proposal is considered to be generally in accordance with local and national planning policy 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 plans ref. Site Location Plan, 2411-401, 2411-001, 2411-002, 2411-003 and documents received by the Local Planning Authority on 05/07/16, 24/04/17, 03/05/17 and 15/05/17, 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 unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

5. Notwithstanding the submitted details, prior to the commencement of development, 2 no. parking spaces shall be provided for house no. 44 Chapel Road.

Reason: To ensure that cars are parked off the highway, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, prior to the commencement of development, details providing for the alterations of the existing footway vehicular crossover to facilitate vehicular access to the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The crossover shall be constructed in accordance with the approved details before the development is brought into use.

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

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

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

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

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

8. No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the

surrounding area and to protect residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. The access and parking shall be in accordance with the submitted plan titled "Proposed Site Plan and Offroad Parking for Plot 44", drawing no. 2411-003, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that cars are parked off the highway, in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. The parking area shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety, 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 otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. HGV's used as part of the development shall be restricted to 10:00am to 15:00pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

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APPLICATION NO:	16/0846/38	(GD)
APPLICANT:	Mrs J Richards	
DEVELOPMENT:	Discharge of Conditions 1 - 19 of planning permission 12/0446/10.	
LOCATION:	MAESFACH DEVELOPMENT, GODREAMAN STREET, GODREAMAN, ABERDARE, CF44 6DF	
DATE REGISTERED:	02/08/2016	
ELECTORAL DIVISION:	Aberaman South	

RECOMMENDATION: Approve

REASONS: The proposals seeks only the discharge of conditions attached to the earlier grant of planning permission

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

This submission seeks the agreement of specific details required to be agreed as a result of conditions imposed by a planning inspector following the grant of outline planning permission at appeal in 2013. Whilst the application is expressed as seeking to discharge all conditions it remains within the gift of the Council as Local Planning Authority to respond to the requirements of these conditions appropriately and while some of the conditions (particularly those with a pre commencement element attached to them) can be discharged, others will remain. Similarly conditions 1 to 3 which deal with the timing of details in respect of the development are the subject of a separate application under Section 73 of the Act seeking to modify the timing of submission of reserved matters form the subject of a separate application (ref: 16/1085/15) details of which are reported later.

Though expressed as seeking the discharge of all conditions in this instance Members are advised that in this instance officers are only recommending the discharge of the following conditions: –

7 Requiring the submission and agreement of engineering design details for the roads which will serve the development.

8 Requiring the submission and agreement of details relating to the provision of a footway fronting Godreaman Street and off site parking provision for the residents of Godreaman Street.

10 Requiring the agreement of tree protection measures to be employed in the course of the development of the site.

17 Requiring the agreement of a Construction Method Statement to be employed in the course of the development of the site; and,

18 Requiring the Agreement of a Wildlife Management Plan for the construction phase of the development.

Matters relating to all other conditions associated with the original grant of consent are dealt with under application 16/1085 which relates to the extension of the outline planning permission originally granted at appeal which is the subject of a separate report on this agenda.

SITE APPRAISAL

The application site is a rough rectangle of land of some 1.32 hectares located south west of Godreaman Street and Forge View in Aberaman. The site is bounded by those streets and the adult education centre to the north east, Brynmair Road to the North West, Allotment land to the south west and the narrow road which links Forge View with The Falcon Inn to the south east. Topographically the site slopes downwards from northwest to southeast towards the River Aman with a shallow cross fall from northeast to southwest.

The site has well defined boundaries characterised by a combination of post and wire fencing and mature hedgerow. There were previously a number of outbuildings on site close to its access on to Godreaman Street but these have recently been demolished. The field gate at this point is the only access into the site. Other than this the site is mostly grassed, though there is some evidence of Japanese Knotweed infestation adjacent to the north-western boundary

PLANNING HISTORY

16/1085	Variation of conditions 1 – 3 of planning permission 12/0446 to allow further time for the submission of reserved matters and the commencement of development	Not Yet Determined
12/0446	Residential development (outline application)	Refused 26/09/12 Allowed at appeal 24/11/13
02/1065	Stables	Approved 28/08/02

PUBLICITY

Applications to discharge conditions pursuant to an earlier planning permission are not applications that are subject to public consultation. Notwithstanding this point 19 objections have been received making the following points –

- The proposed development would result in houses being built too close to the existing properties on Brynmair Road with adverse consequences for the privacy of existing residents.
- Concern with regard to the location of the proposed access
- Concern that the “fencing off” of the site will have an adverse impact on larger vehicles (like the Council’s refuse vehicles) being able to use the rear lane to Godreaman Street.
- It is alleged that works have been undertaken on site before any conditions of the original planning permission have been discharged.
- It is alleged that the applicants have breached the requirements of the Section 106 agreement that accompanied the original planning permission.
- It is alleged that the applicants are in breach of the requirement to safeguard and protect reptiles present on the site.
- It is alleged that Japanese Knotweed and Cotoneaster have not been appropriately treated on the site.

CONSULTATION

Transportation Section – indicate that the detail submitted in respect of conditions 7, 8, and 17 of planning permission 12/0446/13 is sufficient to enable those conditions to be discharged.

Countryside Section – indicate that the detail submitted in respect of conditions 10 & 18 of planning permission 12/0446/13 is sufficient to enable those conditions to be discharged.

POLICY CONTEXT

Matters pertinent to the discharge of planning conditions do not involve any interpretation of planning policy at the local or national level. Indeed if a proposal had not been demonstrably policy compliant then planning permission with conditions would have been unlikely to have been granted.

REASONS FOR REACHING THE RECOMMENDATION

Main Issue

The only issue that requires consideration is whether or not the specific details submitted with a view towards discharging conditions 7, 8, 10, 17 and 18 of planning permission 12/0446/13 are adequate. In this case the advice from the relevant consultees is that they are and therefore the conditions can be discharged.

Other issues

Members will note that the application sought to discharge all conditions associated with the grant of outline planning permission and those mentioned above can be discharged. However, the remainder will remain either in their current form or in a form that more appropriately represents current circumstances in the consideration of planning application 16/1085 the report in respect of which follows this report. The only conditions that will not be carried forward are those that relate to the Code for Sustainable Homes as the code is no longer a planning matter.

As this submission discharges the requirement to submit and agree highway and ecology related matters, conditions requiring compliance with these details form part of the recommendation in respect of application 16/1085.

Regarding the comments of the public outlined above, not all will be relevant to the details discharged under this application and the detail submitted in respect of highway and ecological matters is deemed to be acceptable by the Council's specialist advisors.

As a discharge of condition application matters pertinent to Section 106 agreements or Community Infrastructure Levy do not arise.

Conclusion

The application is aimed at agreeing detail previously required that will enable residential development to progress at this site. The detail submitted is acceptable and as such the conditions must be discharged.

RECOMMENDATION: Grant

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APPLICATION NO:	16/1085/15 (GD)
APPLICANT:	Mrs Julia Richards
DEVELOPMENT:	Variation of conditions 1, 2 and 3 of application 12/0446/13
LOCATION:	LAND AT END OF GODREAMAN STREET, GODREAMAN, ABERDARE, CF44 6DF
DATE REGISTERED:	03/10/2016
ELECTORAL DIVISION:	Aberaman South

RECOMMENDATION: Approve

REASONS: The principle of the proposed development has been established by the grant of planning permission on appeal in October 2013 and there have been no changes in material circumstances since that would justify an alternative decision.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received;

APPLICATION DETAILS

Planning permission for the development of 43no. dwellings on this site was granted at appeal in October 2013. The current application is submitted under Section 73 of the Town & Country Planning Act 1990 and seeks to vary the wording of conditions 1, 2 and 3 of the planning permission to allow further time for the submission and approval of reserved matters. The conditions referred to read as follows –

- 1. Details of the access, appearance, landscaping, layout and scale (hereinafter called the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.*
- 2. Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.*
- 3. The development hereby approved shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.*

Prior to the receiving this planning application a separate submission was received seeking to discharge some of the other conditions associated with the original grant of planning permission

SITE APPRAISAL

The application site is a rough rectangle of land of some 1.32 hectares located south west of Godreaman Street and Forge View in Aberaman. The site is bounded by those streets and the adult education centre to the north east, Brynmair Road to the north west, Allotment land to the south west and the narrow road which links Forge View with The Falcon Inn to the south east.

Topographically the site slopes downwards from northwest to southeast towards the River Aman with a shallow cross fall from northeast to southwest. The site has well defined boundaries characterised by a combination of post and wire fencing and mature hedgerow. There were previously a number of outbuildings on site close to its access on to Godreaman Street but these have recently been demolished. The field gate at this point is the only access into the site. Other than this the site is mostly grassed, though there is some evidence of Japanese Knotweed infestation adjacent to the north-western boundary

PLANNING HISTORY

16/0846 Discharge of conditions 1 – 19 of planning permission Not Yet Determined
12/0446/13

12/0446 43no. dwellings (including affordable housing) Refused
26/09/12
Appeal Allowed
24/10/13

02/1065 Stables Approved
28/08/02

PUBLICITY

The application has been advertised by means of press notice site notice and neighbour notification letters and this has resulted in the submission of 19 letters of objection to the proposed development though one individual has submitted the same letter on three separate occasions and a further 7 residents have submitted their letters twice. The letters for the most part are set out in a round robin that most residents have signed up to and raise the following issues –

- The proposed development would result in houses being built too close to the existing properties on Brynmair Road with adverse consequences for the privacy of existing residents.
- Concern is about the location of the proposed access
- Concern that the “fencing off” of the site will have an adverse impact on larger vehicles (like the Council’s refuse vehicles) being able to use the rear lane to Godreaman Street.
- It is alleged that works have been undertaken on site before any conditions of the original planning permission have been discharged.

- It is alleged that the applicants have breached the requirements of the Section 106 agreement that accompanied the original planning permission.
- It is alleged that the applicants are in breach of the requirement to safeguard and protect reptiles present on the site.
- It is alleged that Japanese Knotweed and Cotoneaster have not been appropriately treated on the site.

CONSULTATION

Highways – no objections subject to the re-imposition of earlier conditions relating to highway provisions.

Drainage – have no comments to make in respect of the proposals.

Public Health & Protection – no objections.

NRW – no objections.

Dwr Cymru/Welsh Water – no observations received during the statutory consultation period but raised no objections to the original planning application.

Western Power Distribution – no observations received.

Wales & West Utilities – no observations received.

South Wales Fire & Rescue Service – no observations received during the statutory consultation period and raised no objections to the original planning application subject to the developer ensuring that adequate water supplies are made available for fire fighting purposes along with the site being designed in such a way so as to allow appropriate access for fire fighting appliances.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy NSA 9.10 allocates the site for the residential development of 40 houses.

Policy CS1 promotes development in the north of the County Borough including residential development which provides high quality, affordable accommodation that promotes diversity in the residential market.

Policy CS4 identifies the housing requirements for the period of the Local Development Plan which is to be provided, amongst other sources, by residential allocations in the northern strategy area.

Policy CS5 identifies the number of affordable housing units to be provided in line with the requirements of policy CS 4.

Policy AW1 identifies how land will be made available to meet the housing land requirements figure.

Policy AW4 indicates community infrastructure and planning obligation contributions that might be sought in respect of new development.

Policy AW5 sets a series of criteria set around amenity and accessibility that all new development should meet.

Policy AW6 sets a series of design and placemaking criteria that will be supported in new development proposals.

Policy AW10 disallows development where it would cause or result in a risk of unacceptable harm to health and/or local amenity because of (amongst other things) contamination unless it can be demonstrated that measures can be taken to overcome any significant adverse risk.

Policy NSA10 requires that new development should be developed to a minimum density of 30 dwellings per hectare unless a deviation from that figure can be justified.

Policy NSA11 seeks the provision of 10% affordable housing on new developments of 10 dwellings or more.

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),
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 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The key consideration in the determination of this application is whether an extension of time for the commencement of this development remains compatible with planning policy considerations. In this, it is also appropriate to consider whether there has been any change in material circumstances affecting this development since the original grant of planning permission and the officer view is that in planning terms there has not.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary or remove conditions, it can:-

- (a) Grant consent either with or without conditions; or,
- (b) Refuse.

In this case it is clear that allowing further time for the commencement of works is acceptable in that planning policy remains entirely supportive of the proposals and no other material considerations have arisen within the life of the planning permission that could justify arriving at a contrary view.

Whilst it is appropriate to consider whether there has been any change in policy or any other material circumstance that might affect the proposal; it is not appropriate to challenge the heart of the consent itself unless there has been a considerable shift in policy or any other material consideration that could lead to a contrary view.

This case has not been affected by any change in policy circumstance or other form of material consideration. However, a Section 73 application also allows the Local Planning Authority to consider any other conditions imposed on the original consent and whether they remain relevant to the planning permission to be granted or whether they require revision or if additional conditions are now necessary. Given the fluid situation with regard to conditions associated with the original planning permission it is therefore appropriate to review the conditions originally imposed.

Conditions 1, 2 and 3 can be amended to reflect what is being applied for as per the request within the planning application itself.

Condition 4 required the agreement of finish material for buildings to be agreed prior to the commencement of works. This is no longer appropriate in its current form as the applicants now intend to provide serviced plots for the self build market and it needs to be reworded to reflect these changed circumstances. The changes are reflected in the reworded condition below if Members are minded to support the application.

Conditions 5 and 6 relating to drainage and parking space can remain unaltered.

Conditions 7, 8 and 17 which related to highway construction and management are addressed under application 16/0846. Officers are of the opinion that this issue is now fully resolved and conditions 7 and 12 below, aim to ensure the implementation of the agreed detail.

Condition 9 relates to the provision of boundary treatment details which like condition 4 will need to be amended to reflect the applicants changed approach to the development of the site. This is reflected in new condition no.8 below.

Conditions 10 as originally approved related to the protection of trees to be retained on site and is covered by the recommendations of the ecology report the requirements of which will be enforced through condition 13 below.

Conditions 11, 12 and 13 relating to the implementation of landscaping, hours of operation and delivery times for lorries, will need to be re imposed in their original format. (see conditions 9, 10 and 11 below).

Conditions 14, 15 and 16 sought compliance with the requirements of the Code for Sustainable homes. As this is no longer a requirement of planning with the matter now being enforced through the Building Regulations it is proposed that these conditions be removed from any consent moving forward.

Condition 18 has been complied with and will be enforced through condition 13 below. While condition 19 has been altered to reflect the requirement on the serviced plots as they come forward.

With regard to the issues raised by local residents the following commentary and response is offered.

Planning issues

- At its closest the boundary of the development is 20m away from the houses on Brynmair Road and in most cases it is in the order of 25m distant and as such it is considered that the site could be developed in a manner that maintains acceptable levels of privacy, particularly taking into account the fact that the properties on Brynmair Road enjoy a significant degree of elevation above the site.
- The access to the site was amongst the issues raised when this matter was taken to appeal in 2013 and it was established that subject to conditions the arrangements are acceptable.
- Despite the expressed concerns, the run of the rear lane at Brynmair Road is not obstructed by the Herras fencing that has been erected around the site boundaries.
- Proposals to deal with the conditions attached to the original outline consent were submitted to the Council in July 2016 and the outcome is reported under application 16/0846 and is also addressed below. Works undertaken to the site thus far could not be reasonably interpreted as representing a start of development. The applicants have been advised that any works undertaken before an appropriate consent is in place or relevant conditions discharged are done so at their own risk.
- The section 106 agreement associated with the original grant of planning permission required the provision of affordable housing and the payment of a transport tariff. The agreement has not been breached. Members attention is drawn to the content of the agreement at clause 3.2 which specifically indicates that commencement will not be triggered by site investigations or surveys, site decontamination works for the provision of drainage or mains services to prepare the site for development or works for the survey or

protection of any protected species or habitat if allowed under a licence from the Welsh Government under the Habitats Regulations.

- Despite the claim the applicants indicate that they have made provision for the trapping and removal from site of any reptiles that might have been present prior to any works taking place.

Non planning issue

- Whether or not nuisance plants have been appropriately treated or not would not fall within the purview of the previous planning permission to regulate and it is notable that the inspector in considering the original planning application found it unnecessary to apply a specific condition to deal with this issue, presumably considering that the matter would be more appropriately dealt with under the Wildlife and Countryside Act 1981. Since then further provision has been made to deal with the issue under the Anti Social Behaviour, Crime and Policing Act 2014. It is also worth noting that despite the concerns of residents independent scrutiny of the site reveals that due to treatment Japanese Knotweed is regressing on site.

Community Infrastructure Levy (CIL) Liability

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

In respect of applications made under Section 73 of the Town and Country Planning Act 1990, Regulation 128A of the CIL Regulations provides for CIL liability to be triggered only where any additional liability (floor space) is introduced as a result of the development.

In this case, there will be no increase in floor space and therefore the chargeable amount will be £0

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.

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, there will be a requirement to agree a new Section 106 agreement, previously the requirement was for the provision of affordable housing and a transport tariff payment. As this is a Section 73 application to extend the time periods for commencement and the original permission was issued prior to the introduction of the charging schedule, no CIL is payable, however, the transport tariff would still be relevant and would remain to be paid as such the new agreement should require the following terms –

- Affordable housing units to be provided to the following mix -
 - I. 2no. one bedroom units for social rent (comprising walk up flats with no communal spaces).
 - II. 1no. two bedroom house for low cost home ownership; and,
 - III. no. three bedroom house for social rent.
- The payment of the transport tariff at the following rates -
 - I. Residential Properties 1 & 2 bedroom units £2,256/unit x 75%
 - II. Residential Properties 3,4 & 5 bedroom units £3,008/unit x 75%

Conclusion

The application site continues to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing and there have been no alterations or variations in circumstances material to the determination of the application that would warrant any other decision than the renewal of planning permission.

RECOMMENDATION: Grant

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Sections 91/92 of the Town & Country Planning Act 1990.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: In order to comply with the requirements of Sections 91/92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: In order to comply with the requirements of Sections 91/92 of the Town & Country Planning Act 1990.

4. No dwelling shall be built until samples of the materials to be used in the construction of the external surfaces of the building permitted have been submitted to and approved in writing by the Local Planning Authority. Any development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in appendix 4 of TAN 15 (or subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and measures taken to prevent pollution of the receiving ground water and/or surface waters;
- include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure adequate disposal of foul and surface waters in

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

6. No dwelling shall be occupied until parking space to serve that dwelling has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking provision is made to serve the proposed development in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The design details of the road layout, street lighting, surface water, drainage and highway structures, shall be carried out in accordance with the details contained in the following plans:-

- 2983-200 Rev D External Works
- 2983-201 Rev B Drainage Layout
- 2983-210 Rev B Long Sections Sheet 1
- 2983-211 Rev B Long Sections Sheet 2
- 2983-212 Drainage Sections
- 2983-213 Site Cross Sections Sheet 1
- 2983-214 Site Cross Sections Sheet 2
- 2983-221 Rev B Manhole Schedules Surface Water
- 2983-222 Rev A Manhole Schedules Foul
- 2983-255 Rev E Street Lighting Layout

All of the above plans received 16th June 2017 and;

- 2983-250 Rev E S38 Site layout Received 20th June 2017

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

8. No residential 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 to serve that property or group of properties. The boundary treatment shall be in place before the associated dwelling is occupied or in accordance with a timetable approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and in accordance with policy AW5 of

the Rhondda Cynon Taf Local Development Plan.

9. All planting seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the 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: In the interests of visual amenity and to comply with the requirements of policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

10. Construction Works on the development hereby approved shall not take place other than during the following times, unless otherwise approved by the Local Planning Authority:

- Monday to Friday 0800 to 1800 hours
- Saturday 0800 to 1300 hours
- Not at any time on Sundays, Bank or Public Holidays

Reason: In the interests of residential amenity and to comply with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No lorries shall access or egress the site outside the hours of 0900 to 1600 Hours.

Reason: In the interests of residential amenity and highway safety and to comply with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The development of the site shall be undertaken in accordance with the details of the Construction Management Plan approved under application 16/0846/38.

Reason: In the interests of residential amenity and highway safety and to comply with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. All works of development at the site shall be undertaken in accordance with the ecological report for the site prepared by David Clements Ecology and dated September 2016.

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

14. Prior to the commencement of building of any housing on the site , details for the provision of bat and barn owl boxes shall be submitted to and approved in writing by the Local Planning Authority. The provision shall be implemented in accordance with the approved details and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

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

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APPLICATION NO:	17/0299/10	(PB)
APPLICANT:	Mr Romesh Paul	
DEVELOPMENT:	Change of use from C3 (Dwelling houses) to a C4 (Houses in multiple occupation).	
LOCATION:	13 WINDSOR ROAD, TREFOREST, PONTYPRIDD, CF37 1BX	
DATE REGISTERED:	05/04/2017	
ELECTORAL DIVISION:	Treforest	

RECOMMENDATION: APPROVE

REASONS FOR RECOMMENDATION: The dwelling is situated in an area of Treforest where the proportion of house in use as HMOs is about the average figure typically found elsewhere in Treforest. There are local concerns that the development will exacerbate over-concentration of HMOs in Treforest and its various attendant problems. The dwelling is capable of conversion to an adequate standard and has ample refuse storage and parking space. Empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality is lacking, therefore on balance the development complies with Policy AW5 of the LDP.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the retention of conversion of a dwelling house (Use Class C3) into a 6 bed house in multiple occupation (Class C4) at 13 Windsor Road, Treforest.

The application will not involve any physical changes to either the interior or exterior of the building as it is already laid out as a 6 bed property. The HMO accommodation will comprise 2 bedrooms and a communal kitchen and lounge on the ground floor, 4 bedrooms and a communal bathroom on the first floor. The rear yard area provides refuse storage space and off-street parking accessed off a service lane.

SITE APPRAISAL

The application property is a middle of terrace house, with a modest rear garden and off-street parking access from a rear lane.

The application property is situated in a primarily residential area of Treforest, which is a ward where a significant number of residential dwellings are in use as HMO's, predominantly occupied by students of the University of South Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application and site notices displayed.

Four letters received from the neighbouring residents and the Treforest Residents Association objecting to the development on the following grounds:

- Over abundance of HMOs in Treforest that threatens the existence of the community contrary to planning policy which calls for the creation of sustainable communities;
- Damage to social cohesion with higher levels of transient and fewer long term households and established families;
- Access to the area for owner occupiers and first-time buyers becoming more difficult because of increased housing prices and competition from landlords, with a reduction in the number of family homes;
- Increase in anti-social behaviour, noise, burglary, and other crime;

- Reduction in the quality of the local environment and other street scenes because of increased litter, refuse and fly-tipping, increased levels of disrepair and prevalent letting signs;
- A change in the character of the area with increased takeaways, discount food stores, letting agencies and so on;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children, in particular pressure on schools with falling numbers;
- Noise, disturbance, litter and loss of privacy caused by occupants of property;
- Windsor Road is one of the few streets in Treforest where a still few student houses.

CONSULTATION

Transportation Section - no objection subject to provision an area to the rear of the property for off-street parking purposes.

Public Health & Protection - no objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application property is situated within the settlement boundary of Treforest and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting development that would not unacceptably conflict with surrounding uses.

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.

Supplementary Planning Guidance (SPG)

Access Circulation and Parking

Design and Placemaking

Development of Flats – Conversion and New Build.

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), 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 18: Transport;
Manual for Streets

Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

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 property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as a single dwelling house in Class C3 to a house in multiple occupation (HMO) in Class C4 in principle does not conflict with development plan policy. Moreover, the Welsh Government's '*Houses in Multiple Occupation: Practice Guidance*' (February 2016) acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the application property is situated in the Treforest ward which is a locality of Rhondda Cynon Taf where there is a significant concentration of HMOs. In recognition of this situation the Council operates an additional HMO licensing regime under the provisions of the Housing Act 2004. This additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that a number of houses in its vicinity already are in use as HMOs. Of the total of 29 houses within a 50 metre radius of 13

Windsor Road 9 (31%) are licensed by the Council as HMOs and of the 14 houses in the whole of Windsor Road 5 (35.7%) are licensed HMOs. On this evidence around one-third of dwellings in the vicinity of 13 Windsor Road are in use as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is much the same at around one-third of dwellings, reaching as high as two-thirds in some streets. The proportion of houses in use as HMOs in Windsor Road is relatively high and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site, as evidenced in the figures above, is said to have harmed the social cohesion of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies. Many of the concerns discussed above are made quite forcibly in the letter of objection to the application by the Treforest Residents' Association.

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 13 Windsor Road from C3 dwelling to a 6 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building. Whilst acknowledging that the number of recorded waste offences in the local area and not disputing that the appeal proposal could potentially lead to unsightly fly tipping or other visual blight there is ample space within the rear garden storage of refuse bins. The level of car ownership associated with 6 separate occupiers has the potential to be higher than, for instance, a 3 bedroom property in C3 use. Although on-street parking on Windsor Road is at a premium, the application property benefits from adequate space for the provision of off-street parking provision within the rear garden. Also, given the site's proximity to public transport services, shops and facilities it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or

pedestrians using Windsor Road. Accordingly the application has attracted no objection from the Transportation Section.

Representation submitted by neighbours and the Treforest Residents Association raise concerns that the concentration of HMOs in the area has exacerbated levels of crime, anti-social behaviour and noise pollution, has put at risk community facilities such as schools and has isolated local residents. To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there is a significant number of HMOs within the vicinity of the appeal site, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. It is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. Whilst the concerns of neighbours and the Residents Association are fully acknowledged and that each case must be considered on its own merits, there has to be recognition of the fact all recent planning applications for C4 HMOs in the Treforest area refused by the Council have been subsequently been allowed on appeal largely for the reasons of lack of a locally defined HMO threshold policy supported by empirical evidence of harm caused by the current concentration of HMOs in Treforest.

Other Issues:

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval.

RECOMMENDATION: Grant

1. Notwithstanding the submitted plans the use hereby approved shall not commence until a plan indicating the design and details of a parking to the rear of the house at 13 Windsor Road, Treforest, is submitted to and approved by the Local Planning Authority. The parking area shall be laid

out and constructed in accordance with the approved details in a timescale to be agreed in writing with the Local Planning Authority and shall be retained thereafter for the purpose of parking of vehicles associated with the occupation of the house at 13 Windsor Road, Treforest.

Reason: To ensure that vehicles associated with occupation of the house are parked off the highway in the interest highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/0309/10	(PB)
APPLICANT:	Mr Tony Fernandes	
DEVELOPMENT:	Retrospective application for conversion of dwelling (Class C3), to house in multiple occupation (Class C4).	
LOCATION:	88 BROADWAY, TREFOREST, PONTYPRIDD, CF37 1BD	
DATE REGISTERED:	03/04/2017	
ELECTORAL DIVISION:	Treforest	

RECOMMENDATION: APPROVE

REASONS FOR RECOMMENDATION: The HMO is in an area of Treforest where the proportion of houses in use as HMOs is below the average figure typically found elsewhere in Treforest, especially compared with streets closer to the University of South Wales. Nevertheless, there are local concerns that the development exacerbates over-concentration of HMOs and various attendant problems in Treforest as a whole. The dwelling is converted to an acceptable standard and has ample refuse storage and parking space. There is currently a lack of empirical evidence to support a view that the development, in itself, is harmful to the character, appearance and social cohesion of the locality therefore on balance the development complies with Policy AW5 of the LDP.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the retention of conversion of a dwelling house (Use Class C3) into a 5 bed house in multiple occupation (Class C4) at 88 Broadway, Treforest.

The application will not involve any physical changes to either the interior or exterior of the building as it is already laid out as 5 bed property. The HMO accommodation comprises a 2 bedrooms and a communal kitchen/dining room on the ground floor, 2 bedrooms and a communal bathroom on the first floor, with a fifth bedroom in the roof space. The rear yard area provides refuse storage space and off-street parking for up to three cars accessed off a service lane. It is understood that works to convert the property to a HMO were completed on 1 June 2016 and it is now in use for this purpose.

SITE APPRAISAL

The application property is a middle of terrace house, with a generous rear garden and off-street parking access from a rear lane.

The application property is situated in a primarily residential area of Treforest, which is a ward where a significant number of residential dwellings are in use as HMO's, predominantly occupied by students of the University of South Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application and site notices displayed.

One letter received from the Treforest Residents Association objecting to the development on the following grounds;

- Over abundance of HMOs in Treforest that threatens the existence of the community contrary to planning policy which calls for the creation of sustainable communities;
- Damage to social cohesion with higher levels of transient and fewer long term households and established families;
- Access to the area for owner occupiers and first-time buyers becoming more difficult because of increased housing prices and competition from landlords, with a reduction in the number of family homes;
- Increase in anti-social behaviour, noise, burglary, and other crime;
- Reduction in the quality of the local environment and other street scenes because of increased litter, refuse and fly-tipping, increased levels of disrepair and prevalent letting signs;
- A change in the character of the area with increased takeaways, discount food stores, letting agencies and so on;

- Increased pressure on parking;
- Reduction in provision of community facilities for families and children, in particular pressure on schools with falling numbers.

CONSULTATION

Transportation Section - no objection subject to retention of the parking area to the rear of the property for parking purposes.

Public Health & Protection - no objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application property is situated within the settlement boundary of Treforest and is unallocated.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting development that would not unacceptably conflict with surrounding uses.

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.

Supplementary Planning Guidance (SPG)

Access Circulation and Parking

Design and Placemaking

Development of Flats – Conversion and New Build.

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), 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 18: Transport;
Manual for Streets
Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

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 property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as a single dwelling house in Class C3 to a house in multiple occupation (HMO) in Class C4 in principle does not conflict with development plan policy. Moreover, the Welsh Government's *'Houses in Multiple Occupation: Practice Guidance'* (February 2016) acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the application property is situated in the Treforest ward which is a locality of Rhondda Cynon Taf where there is a significant concentration of HMOs. In recognition of this situation the Council operates an additional HMO licensing regime under the provisions of the Housing Act 2004. This additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

However, looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that fewer dwellings houses in its vicinity already are in use as HMOs compared with the situation found in streets closer to the Treforest campus. Of the total of 32 houses within a 50 metre radius of 88 Broadway 7 (21.9%) are licensed by the Council as HMOs and of the 175 houses in the whole of Broadway 31 (17.7%) are licensed HMOs. On this evidence around one-fifth of dwellings in the vicinity of 88 Broadway are in use as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is much greater at around one-third of dwellings, reaching as high as two-thirds in some streets. Although significantly lower than elsewhere in the Treforest ward, the proportion of houses in use as HMOs in Broadway is still relatively high in

the Borough-wide context and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site, as evidenced in the figures above, has harmed the social cohesion of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies.

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 88 Broadway from C3 dwelling to a 5 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building. Whilst acknowledging that the number of recorded waste offences in the local area and not disputing that the appeal proposal could potentially lead to unsightly fly tipping or other visual blight there is ample space within the rear garden storage of refuse bins. The level of car ownership associated with 5 separate occupiers has the potential to be higher than, for instance, a 3 bedroom property in C3 use. Although on-street parking on Broadway is at a premium, the application property benefits from ample off-street parking provision within the rear amenity space. Also, given the site's proximity to public transport services, shops and facilities it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians using Broadway. Accordingly the application has attracted no objection from the Transportation Section.

Representation submitted by the Treforest Residents Association raise concerns that the concentration of HMOs in the area has exacerbated levels of crime, anti-social behaviour and noise pollution, has put at risk community facilities such as schools and has isolated local residents. To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within

certain areas. Whilst it is accepted that there are a number of HMOs within the vicinity of the appeal site, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. It is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. Whilst the concerns of the Residents Association are fully acknowledged and that each case must be considered on its own merits, there has to be recognition of the fact all recent planning applications for C4 HMOs in the Treforest area refused by the Council have been subsequently been allowed on appeal largely for the reasons of lack of a locally defined HMO threshold policy supported by empirical evidence of harm likely to be caused by additional HMOs in Treforest.

Other Issues:

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval.

RECOMMENDATION: Grant

1. Notwithstanding the submitted plans, within two months of the date of this permission a plan shall be submitted to and approved by the Local Planning Authority indicating the design and details of a parking to the rear of the house at 88 Broadway, Treforest. The parking area shall be laid out and constructed in accordance with the approved details in a timescale to be agreed in writing with the Local Planning Authority and shall be retained thereafter for the purpose of parking of vehicles associated with the occupation of the house at 88 Broadway, Treforest.

Reason: To ensure that vehicles associated with occupation of the house are parked off the highway in the interest highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/0363/16	(JAW)
APPLICANT:	Waterstone Homes Limited	
DEVELOPMENT:	Reserved matters application for proposed landscaping	
LOCATION:	GENE METALS, KINGSLAND TERRACE, TREFOREST, PONTYPRIDD, CF37 1RX	
DATE REGISTERED:	27/03/2017	
ELECTORAL DIVISION:	Treforest	

RECOMMENDATION: Approve

REASONS: The principle of the proposed development has been established through the grant of outline planning permission at which time details of appearance, layout, scale and access were considered. Details of landscaping submitted pursuant to the current application for approval of reserved matters are considered acceptable in planning terms.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal due to the number of dwellings is not covered by determination powers delegated to the Service Director Planning.

APPLICATION DETAILS

This is a reserved matters application seeking approval of landscaping in respect of the development of 44 dwellings with associated amenity space and car parking, served by a new adopted access road at the former Gene Metals site, Kingsland Terrace, Treforest. The principle of the proposed development and details of appearance, layout, scale and access were considered and approved under application 16/0795.

SITE APPRAISAL

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

The development site formerly housed a number of former scrap yard buildings which have been demolished. The site has well established ground flora and is on several levels throughout the site.

PLANNING HISTORY

16/0795	Construction of affordable residential development comprising	Approved
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	28 x 1-bedroom apartments, 2 x 2-bedroom mobility bungalows, 12 x 2-bedroom terraced houses and 2 x 4-bedroom semi-detached houses, with associated amenity areas and car parking, served by a new adopted access road.	15/03/17
10/0405	Residential use (outline) – Approved at Committee on 21/02/13 subject to developer entering into a S106 Agreement, however, to date the required agreement has not been signed.	
05/1264	Residential development (outline) – Renewal of planning application 00/2871	Approved 10/11/05
00/2871	Residential development (outline).	Approved 15/02/02
93/0221	Application for a Certificate of Lawfulness use of site for the storage of scrap metal.	Granted 05/11/93

PUBLICITY

The application has been advertised by means of site notices and neighbour notification letters. No replies have been received.

CONSULTATION

Council's Landscape Officer – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy 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 - requires development proposals to avoid harming natural heritage and biodiversity of the county borough.

Relevant Supplementary Planning Guidance

Design & Placemaking

National Guidance

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

Planning Policy Wales 9th Edition

Chapter 9 (Housing), Chapter 5 (Conserving and Improving Natural Heritage and the Coast).

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:

As a reserved matters application following the grant of outline planning permission the principle of the site being acceptable for residential purposes has already been established. In addition, details of appearance, layout, scale and access having already been approved. Therefore the only issue for consideration in determining this application is the acceptability of the landscaping scheme.

The application has been accompanied by a landscaping plan, which includes:

- Areas of shared landscaping adjacent to the site entrance, either end of the rows of parking spaces and adjacent to the turning area which comprise the planting of Maple, Silver Birch and Mountain Ash trees.
- 1.8m high yellow-multi clay facing brickwork walls at the site entrance and to the front of the communal bin storage areas.

- Individual gardens for each dwelling will be enclosed by 1.8m high feather board fencing. Each dwelling would have a private 3m by 3m patio area, low maintenance grassed area, a timber shed and a rotary washing line.
- The flats would have a communal low maintenance grassed area, ornamental hedging and shared rotary washing lines.

The Council's Landscape Officer has raised no objection to the proposed landscaping scheme. It is considered that the scheme of landscaping is acceptable and will enhance the appearance of the development particularly at the site entrance. It will also not adversely affect ecological interests on the site which were addressed at outline stage.

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 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £132,397.66. However, social housing relief may be claimed for the whole of development of this site.

Conclusion

The proposed landscaping scheme is considered acceptable and satisfies the relevant policies (AW5 and AW6) of the Local Development Plan.

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved plan no.

- 2282/BR112 Rev. C – Proposed Landscaping Plan

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.

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APPLICATION NO: 17/0399/10 (PB)
APPLICANT: Formaction Limited
DEVELOPMENT: Proposed erection of Class B1/B2/B8 units and associated external alterations (Unit 10).
LOCATION: UNIT 10, HEPWORTH PARK, COEDCAE LANE, PONTYCLUN
DATE REGISTERED: 18/04/2017
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: Approve

REASONS: The principle of the proposal is acceptable as it involves the fifth phase of commercial/business redevelopment on a large previously used industrial site within a complex of such uses off Coedcae Lane, which lies within settlement limits of Pontyclun. The design, appearance and layout of the proposal match those of the earlier phases and the proposal does not give to any significant issues in terms of access, parking, ground conditions and amenity.

REASON APPLICATION REPORTED TO COMMITTEE

The size of the proposed building (in excess of 1000sq.m. in area) means that it falls outside the scope of authority delegated to the Service Director Planning to determine.

APPLICATION DETAILS

Full planning permission is sought for the erection of an industrial building and associated development on land at Hepworth Industrial Park, Coedcae Lane, Pontyclun. The development is the fifth phase of the redevelopment of this site that was formerly occupied by a concrete manufacturing plant. The current proposal would see the final part of the site redeveloped in a very similar manner to the previous four phases. It would comprise of the construction of a continuation of the concrete apron that serves as access to the third and fourth phases and connects with the internal highway serving the first two phases of Hepworth Park. A new industrial building will be constructed in courtyard arrangement off the extended access apron. The building will be subdivided to provide an additional 5 units of business accommodation at the site and will match those of Phases 3 and 4, and be almost identical in size and design in terms of their width at 19.50m in width and height at 8.66m to ridge. The building will be 81.73m in length and will provide an overall total of 1606 square metres of floorspace. The building will be finished in colour-coated metallic cladding. The application indicates a total of 24 car parking spaces will be provided to serve the development, plus 11 spaces for larger vehicles, and a 6 cycle capacity cycle store. Turning facilities will be available within the access/service courtyard.

The application is accompanied by the following:

- Design and Access Statement
- Site Investigations Report
- Pre-application Publicity and Consultation Report
- Coal Mining Report and associated correspondence.

SITE APPRAISAL

The former Hepworths Concrete Works site comprises a largely cleared and vacant area of former industrial land covering approximately 8.5 hectares. As part of the earlier phases of redevelopment of the land new industrial buildings and an access road have already constructed and the building occupied. Elsewhere on the site there is a large refurbished industrial building and a storage compound.

Hepworth Park is situated to the north of the main railway line from Cardiff to Swansea. The site is flanked by and lies opposite a variety of neighbouring industrial and commercial premises site elsewhere on Coed Cae Lane. To the south of the railway lies the extensive housing estate of Tylegarw.

PLANNING HISTORY

15/1417	Hepworth Park, Coedcae Lane, Pontyclun	Development of Class B1, B2 and B8 units with associated external alterations (Phase 4)	Approved 27/01/16
11/1431	Hepworth Park, Coedcae Lane, Pontyclun	Development comprising 2 buildings for Class B1, B2 and B8 Use (Phase 3)	Approved 06/08/15
09/0036	Land At Pontyclun Works, Coedcae Lane, Pontyclun	Development comprising 3 buildings (B1, B2 and B8 use) with on site car parking(amended description 06/04/10 - retention of building as built and amendments to design and siting of remainder of development)	Granted 21/07/11
07/1539	Hepworth Ind. Park, Coed Cae Lane, Pontyclun	Erection of 1 unit B2 General Industrial Building and Internal Offices	Granted 07/03/08

PUBLICITY

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

There has been no response to this publicity from members of the public.

CONSULTATION

Transportation Section – no objection subject to conditions.

Flood Risk Management – drainage details required for approval before development begins.

Public Health and Protection – offers comments and advice in relation to demolition, noise from construction and noise from the development, dust, disposal of waste, and lighting.

Natural Resources Wales – offers comments and a condition in relation to disposal of foul drainage potential unforeseen contamination at the site.

Dwr Cymru/Welsh Water – no adverse comments.

Coal Authority – although the planning application is not supported by a Coal Mining Risk Assessment it is supported by a copy of our previous comments and in the light of these, and the professional opinion of the applicant's consultant regarding the risk of past coal mining activity, no objection is offered.

Parks, Countryside and Ecology – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within settlement limits and is unallocated.

Policy CS2 – emphasises that development in the Southern Strategy Area will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by (amongst others) providing opportunities for significant inward investment in sustainable locations that will benefit the economy, and promoting and enhancing transport infrastructure to support growth and investment.

Policy AW2 – promotes development on non-allocated sites in sustainable locations only.

Policy AW5 – requires new development to contribute to a high quality environment and to be highly accessible.

Policy AW6 – requires development to be high standard of design and appropriate to local context.

Policy AW8 – seeks to protect and enhance the natural environment.

Policy AW10 – permits development only where it can be demonstrated that measures can be taken to overcome any undue harm to local amenity because of hazards including air, noise and water pollution, contamination and flooding.

Policy SSA13 permits development within settlement boundaries subject to it being demonstrated the proposal meets specific criteria.

Planning Policy Wales

Paragraph 7.6.1 requires local planning authorities to adopt a positive and constructive approach to planning application for economic development taking account of key factors including jobs creation and retention, economic regeneration and environmental improvement opportunities.

Further relevant policy guidance is found in TAN 12 Design and TAN 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:

Relationship to local development plan policies

The application site comprises part of an extensive area of predominantly vacant industrial land off Coed Cae Lane, Pontyclun and unallocated land within settlement limits in the Local Development Plan. The land neighbouring the site is also predominantly in use for industrial and commercial purposes, which characterises the area. It follows therefore, that the proposed redevelopment of the application site for industrial purposes is in principle sustainable, well-related to and supported by local planning policies. Moreover, planning permission have been granted and implemented for the previous four phases of the redevelopment of the whole site. Completion of this, the fifth, phase will result in the re-development of remainder of vacant land at the Hepworth Park site.

Ideally, an outline approval for the redevelopment of whole of the Hepworths site would provide the framework within which the current proposal could be considered. In the absence of that, the current application must be considered as a piecemeal proposal on its own merits. From examination of the applicant's conceptual master

plan for the redevelopment of the overall site (submitted as part of the planning application for the first phase of redevelopment) it is evident that the proposal for phase 5 broadly fits the applicant's envisaged concept for the layout of the whole of the Hepworths site and pattern of the previous four phases. Therefore, the current proposal does not conflict with the scale and layout of development undertaken so far.

Design and appearance of the development

In terms of the design and visual appearance of the development, the proposed units would be similar in scale and external finishes to the units already completed on phases 1, 2, 3 and 4 of the site. The design is relatively simple and functional, though the colour-coated external finishes and shallow-pitched roofs would give the buildings a modern hi-tech appearance that is considered appropriate in its context in accordance with Policies AW5 and AW6 of the LDP.

Transportation issues

Phases 1, 2, 3 and 4 of the Hepworths site are served by a new access off Coedcae Lane. This access is intended to be extended into the proposed fifth phase, together with a space for turning and off-street parking. There is no highway objection to the configuration of the proposed access, parking and vehicle circulation areas in principle, therefore the proposal is in compliance with Policy AW5 of the LDP in regard of these matters.

Ecology

Although largely cleared of all its former buildings and now substantially redeveloped, Hepworth Business Park is flanked by trees and ditches that have potential ecological value though none is directly affected by this phase of development. The key ecological issue, however, is the potential presence of Bats, which have European Protected status. In this regard when the Phase 2 development was considered in 2011 the applicant's Ecological Consultant concluded that the majority of the buildings that remained on the Hepworths site at that time had negligible potential for roosting Bats due to their open and draughty nature and construction of corrugated metal, which undergoes extremes of temperature. None of these buildings was found to have any crevices or roof spaces and were able to be fully accessed during the daytime, which did not record any evidence of Bats.

The report identified a number of trees with low potential for roosting Bats. The trees identified may be used as occasional transitory roosts by low numbers of common species of Bat, but considered unlikely to provide significant maternity or hibernation roosts due to the highly disturbed nature of the immediate surroundings and the lack of nearby suitable foraging grounds and connective habitat. No trees or hedges are

proposed to be affected or removed under the present application, therefore the proposal does not conflict with Policy AW8 of the LDP.

Contamination and pollution control

Having formerly been used as a brick works and concrete products plant, the whole of the Hepworth site has potential to be contaminated arising from previous industrial activity, historical oil tanks and processes. Also, Natural Resources Wales has pointed out on previous occasion that the controlled waters at this site are of high environmental sensitivity as the site drains into, and is directly adjacent to the Nant Melyn, a tributary of the River Ely. Previous phases of the Hepworth development have been the subject of site investigations, however it is unclear whether those investigations have extended as far as the Phase 5 site and so unsuspected contamination might exist. Therefore, as a precaution on advice from NRW it is recommended that the matter is dealt with by means of appropriately worded condition requiring any unsuspected contamination, if found during construction works, to be investigated, characterised and, if necessary, remediated before any further development continues in accordance with Policy AW10 of the LDP.

Drainage

The application proposes the disposal of foul drainage to non mains systems, although the development is located within a publicly sewered area. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewage systems. Section 12.4.2 of Planning Policy Wales states *'development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer...'* Lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for the sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991. This point is echoed in the consultation reply from NRW.

However, at the pre-application stage the applicant consulted with Dwr Cymru/Welsh Water who indicated that it would object to disposal of surface water from the proposed development to the public sewer. The applicant's to proceed with non mains drainage system is a direct response to Dwr Cymru/Welsh Water's concern expressed at the pre-application stage. Dwr Cymru/Welsh Water has no objection to a private treatment works though this might require regulation by NRW.

Noise and Neighbouring Amenity

Hepworth Business Park is located at the heart of the Coedcae Lane Industrial Estate, an extensive complex of commercial and industrial premises. There are two

dwellings and a small motel elsewhere along the road frontage at the opposite end of Hepworth Park to the location of the proposed Phase 5 development. Several properties that were once in use as dwellings and still present an external appearance of being in such use lie much nearer to the application site, but are now in use for commercial purposes. Given that this phase of the Hepworth Park development is actually quite remotely situated in relation to residential property it is considered unnecessary for a construction hours condition to be added to a planning permission.

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

The principle of the proposal is acceptable as it involves the fifth phase of commercial / business redevelopment on a large previously used industrial site within a complex of such uses off Coedcae Lane, which lies within settlement limits of Pontyclun. The design, appearance and layout of the proposal matches those of the earlier phases and does not give to any significant issues in relation to access, parking, contamination and amenity. Taking into consideration all of the above issues the application is recommended for approval subject to the conditions specified below.

RECOMMENDATION: Grant

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

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 and documents:
 - Unit 10, Hepworth Park - Site Location Plan (Drawing number 711071/5)
 - Unit 10 Hepworth Park – Proposed Industrial Unit – layout plan (drawing number 711071/2)

- Unit 10 Hepworth Park – Proposed Industrial Unit – plans and elevations (drawing number 711071/1)
- Unit 10, Hepworth Park – Standard Details of Cycle & Bin Stores (Drawing number 711017/3).

Reason: In order to define the terms of the permission granted.

3. Access, parking and turning facilities shall be laid out as shown on the layout plan (drawing no: 711071/2) and not thereafter be used for any purpose other than the parking and turning of vehicles.

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

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

- The means of access to 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
- 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 and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

6. If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise

agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

Reason: Arising from past land uses at the site it is considered possible that there may be unidentified areas of contamination that could pose a risk of pollution to controlled waters if they are not remediated in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/0405/10 (PB)
APPLICANT:	Mr Whitlock
DEVELOPMENT:	Change of use of property from category C3 Dwellinghouse to a category C4 house in multiple occupation.
LOCATION:	23 EGYPT STREET, TREFOREST, PONTYPRIDD, CF37 1BS
DATE REGISTERED:	21/04/2017
ELECTORAL DIVISION:	Treforest

REASONS FOR RECOMMENDATION: The dwelling is in an area of Treforest where the proportion of houses in use as HMOs is below the average figure typically found elsewhere in Treforest, especially compared with streets closer to the University of South Wales. Nevertheless, there are concerns that the development exacerbates over-concentration of HMOs in Treforest and various attendant problems. The dwelling is capable of conversion to an adequate standard and has refuse storage and parking space. There is currently no empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality therefore on balance the development complies with Policy AW5 of the LDP.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to Committee at the request of Councillor Powderhill to consider the consequences of the development for the character and appearance of the area where a significant number of dwellings are in use as houses in multiple occupation (HMO).

APPLICATION DETAILS

Full planning permission is sought for conversion of a dwelling house (Class C3) to a five-bedroom house in multiple occupation (Class C4) at 23 Egypt Street, Treforest.

The application will not involve any physical alteration to either the exterior or interior of the building which is already laid out as a four-bedroom house. The property has

previously been used and licensed as a HMO though it is understood that the licence has expired and the current application seeks to regularise the planning status of the house as HMO.

SITE APPRAISAL

The application property is a four-bedroom end of terrace house, with a modest rear garden, situated at the junction of Egypt Street and Nile Street. There is one off-street parking space associated with the use of the property.

Egypt Street comprises terraced houses in a primarily residential neighbourhood of Treforest, which is a ward characterised by a significant number of dwellings in use as HMO's predominantly occupied by students of the University of Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

Neighbouring properties have been notified of the application.

No representations received from members of the public.

CONSULTATIONS

Transportation Section - no objection subject to the retention of the off-street parking space for parking purposes ancillary and incidental to the use of 23 Egypt Street.

Public Health and Protection - no objections.

South Wales Police – no objection as HMOs provide an important source of housing and form part of a balanced housing mix. However, the characteristics of an HMO and its more transient population mean that they are at significantly higher risk of crime than single family occupied dwellings. Research shows that high concentrations of HMOs could have a negative impact on crime levels in an area, therefore crime prevention measures recommended be incorporated into the property.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application property is situated within the settlement boundary of Treforest and is unallocated.

Policy CS2 – sets out criteria for achieving sustainable growth including promoting development that would not unacceptably conflict with surrounding uses.

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.

Supplementary Planning Guidance (SPG)

Access, Circulation and Parking

Design and Placemaking

Development of Flats – Conversion and New Build.

National Guidance

In the determination of planning applications regards should also be given to the requirements of National Planning Policy which is not duplicated in the Local Development Plan, particularly where National Planning Policy provides 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), 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 18: Transport
Manual for Streets

Welsh Government: Houses in Multiple Occupation – Practice Guidance (February 2016).

REASONS FOR RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require 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 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 property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as single dwelling house in Class C3 to house in multiple occupation in Class C4 in principle does not conflict with development plan policy as both uses are residential. Moreover, the Welsh Government's *'Houses in Multiple Occupation: Practice Guidance'* (February 2016) acknowledges that HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the same practice guidance recognises that in areas where the proportion of properties in use as HMOs is high then particular issues can arise. The application property, 23 Egypt Street, is situated in the Treforest ward which is characterised by a significant concentration of HMOs on a scale not found anywhere else in Rhondda Cynon Taf. In recognition of this local situation the Council operates a HMO licensing scheme (in addition to the mandatory scheme) under the provisions of the Housing Act 2004. The additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely at the characteristics of the neighbourhood in the immediate vicinity of the application property, it is evident that a number of houses are already in use as HMOs. Of the total of 23 houses within a 50 metre radius of 23 Egypt Street 4 (17.4%) are licensed by the Council as HMOs and of the 24 houses in the whole of Egypt Street 4 (16.7%) are licensed HMOs. On this evidence about one-sixth of dwellings in the vicinity of 23 Egypt Street are in uses as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is much greater at around one-third of dwellings, reaching as high as two-thirds in some streets. Although significantly lower than elsewhere in the Treforest ward, the proportion of houses in use as HMOs in Egypt Street is still relatively high in the Borough-wide context and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

Firstly, the prevalence of HMOs in the vicinity of the application site has changed the social character of Treforest, with higher levels of transient residents, predominantly students, and fewer long term households and established families, leading in the long term to community which is no longer balanced and self-sustaining. Indeed, there is anecdotal evidence that increasing 'studentification' of Treforest is providing encouragement to owner-occupier residents to sell in response to demand for properties from buy-to-let investors. Secondly, and as a consequence, access to the area for owner occupiers and first time buyers has become more difficult and less attractive because of increased house prices and competition from landlords, with a reduction in the number of family homes. Thirdly, the area is suffering a significant

reduction in the quality of the local environment and street scene as a consequence of increased incidents of litter, refuse and fly tipping, increased levels of disrepair and proliferation of letting signs. Fourthly, the area is experiencing a significant change in character with evidence of increased numbers of hot food takeaways, discount food stores and of letting agencies.

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 23 Egypt Street from C3 dwelling to a 4 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building. Whilst acknowledging that the number of recorded waste offences in the local area and not disputing that the appeal proposal could potentially lead to unsightly fly tipping or other visual blight there is space within the rear garden storage of refuse bins. Although the level of car ownership associated with 5 separate occupiers has the potential to be higher than would be the case if the dwelling was occupied by a single household, the application property benefits from space for street parking provision within the rear amenity space. Also, given the site's proximity to public transport services, shops and facilities it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians. Accordingly the application has attracted no objection from the Transportation Section.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there are a number of HMOs within the vicinity of the application property, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. It is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. Whilst the concerns raised in this report are fully acknowledged and that each case must be considered on its own merits, by the same token there has to be recognition of the fact all recent planning applications for C4 HMOs in the Treforest area refused by the Council have been subsequently been allowed on appeal largely for the reasons of lack of a locally defined HMO threshold policy supported by empirical evidence of harm caused by the current concentration of HMOs in Treforest. Moreover, the application property has been previously been used and licensed as an HMO which weighs in favour of the current 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 liable for a charge under the CIL Regulations 2010 (as amended).

Conclusion

Taking all the above considerations into account it is considered, on balance, that the application proposal does not conflict with Policy AW5 and is therefore recommended for approval.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of 5 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 plan:

- Proposed ground floor and first floor plan dated 2017.

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

3. The existing rear parking area shall not be used for any purpose other than parking ancillary and incidental to the use on 23 Egypt Street.

Reason: To ensure the provision of off-street parking in the interest of highways safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/0480/10 (DJB)
APPLICANT:	Cwm Taf University Local Health Board
DEVELOPMENT:	New Y Bwthyn Specialist Palliative Care Unit on an area of land to the South Eastern corner of the Royal Glamorgan Hospital campus, will include a re-alignment and alteration to the existing car parking area and roadway, including the provision of a drop-off point, 28 further parking spaces and landscaping. The unit will

comprise of 8 single ensuite bedrooms, a day unit and therapy areas including a multi-faith room, an office area for staff, informal reception and seating area with shared kitchen.

LOCATION: ROYAL GLAMORGAN HOSPITAL, HOSPITAL ROAD,
YNYSMAERDY, LLANTRISANT, PONTYCLUN, CF72
8XR
DATE REGISTERED: 04/05/2017
ELECTORAL DIVISION: Talbot Green

RECOMMENDATION: Approve

Reasons: The proposal involves the creation of a new Palliative Care Unit within the wider context of the Royal Glamorgan Hospital campus site. It is considered to be an entirely appropriate use within such a setting. The proposed building is attractive, well designed and will provide modern, state of the art facilities. It will have no impacts beyond the boundary of the hospital site. Issues of parking provision are satisfactorily addressed and the development is considered to be compliant with both local and national planning policy.

REASON APPLICATION REPORTED TO COMMITTEE

The size of the proposed building (in excess of 1000sq.m. in area) means that it falls outside the scope of authority delegated to the Service Director Planning to determine.

APPLICATION DETAILS

Full planning permission is sought to develop a specialist Palliative Care Unit at the Royal Glamorgan Hospital site, which opened in 2000.

The new unit will stand adjacent to wards 115 and 116 of the South Wing of the main hospital building.

The overall development site which includes the reworking of car park areas locally extends to 0.66 hectares. The gross internal area of the specialist care unit will be 1895 square metres with most of the area located on the ground floor and some first floor plant rooms. The proposed building footprint is 1286 sq.m.

The facility will provide eight bedrooms clustered around a central nurse base. Each of the bedrooms has its own en-suite and has a large glazed opening onto a private terrace that in turn looks out into the garden area. The nurse base hub is set at the heart of a central top-lit ward/social space. This area is arranged in a "U" shape, with rooms clustered around the returning end. This social end is more spacious and

includes informal seating areas. Behind the nurse base, within the In-patient unit's core, is the drugs room, bathroom and sluice facilities forming a central support area that can be accessed directly from all bedrooms.

The building is a mix of single and two storeys, with the higher two storey area at the centre thus keeping the perceived scale of the building low and more human in scale, on approach and where it faces the garden areas. In order to ensure that staff, visitors and can be accommodated within the wider parking provision of the site there has been provided, as part of the project an additional 28 lineated car parking spaces have been incorporated into the development proposals. It is a priority for the Hospice that these gardens as well as providing visual amenity for patients, visitors and staff they also enhance the bio diversity of the site.

By way of background the submission confirms that the proposal to develop the Y Bwthyn Macmillan Specialist Care Unit on the Royal Glamorgan Hospital site comes as a result of Macmillan Cancer Support and the Cwm Taf University Health Board working in partnership to relocate the specialist palliative care unit ("Y Bwthyn") from Pontypridd Cottage Hospital to the Royal Glamorgan Hospital. The case for change is clinically driven and focussed on improving patient safety, quality and access to care. Y Bwthyn was developed in 1994 on the site of the 100 year old Pontypridd Cottage Hospital, located on the Common on the outskirts of Pontypridd. Y Bwthyn houses a 6 bedded specialist palliative care inpatient unit which is akin to a hospice, a palliative care day centre, and is also the base for the home care (Macmillan) nurses who serve the population of Rhondda and Taff Ely. Y Bwthyn is the only inpatient and 24/7 service at the Pontypridd Cottage Hospital; currently the site also hosts an Older Person's Mental Health Day Service, a Mental Health team base and other office accommodation. Although the quality of care provided by the staff at Y Bwthyn is considered to be excellent, there are various concerns about the facility due to the age of the hospital building and its isolated position. In the 22 years since Y Bwthyn was built there have been significant advances in healthcare treatments and technologies for cancer patients and those with other terminal illnesses. In order to access specialist investigations and treatment, Y Bwthyn patients face a 20 minute ambulance transfer to and from the Royal Glamorgan Hospital which can be difficult and distressing and sometimes not even possible. Similarly, some patients are admitted directly to the Royal Glamorgan Hospital for such interventions who will also benefit from a palliative care environment but are not able to undertake the ambulance transfer to and from Y Bwthyn.

Relocation to a purpose-built unit on the Royal Glamorgan Hospital site will enable on-site access to specialist investigations and interventions for palliative care patients in an environment conducive to end of life care. It will also provide a more supportive and integrated infrastructure for the staff to deliver care to the highest standards to palliative care patients both on the unit and across the general hospital.

The application submission in addition to the submitted plans/drawings also includes the following information:

- Design and Access Statement (DAS)
- Pre-application Consultation Report (PAC)
- Flood Consequences Assessment - Level 1(FCA)
- Baseline Ecological Site Audit
- Arboricultural Impact Assessment
- Phase II Ground Investigation (incorporating a Coal Mining Risk Assessment)
- Parking Feasibility Study

SITE APPRAISAL

The Royal Glamorgan Hospital is situated to the north of Talbot Green, on a site on the western side of the A4119. Hi-tech Class B1 and commercial development stands between the hospital site and the northern extent of Llantrisant & Pontyclun golf course which occupies a position on the northern fringe of Talbot Green.

The Hospital provides a comprehensive range of in-patient, day case and outpatient facilities together with Accident and Emergency and Diagnostic facilities.

An area of land to the South Eastern corner of the hospital campus, currently occupied by a grassed area outside existing wards and a staff car park, has been identified as the location for the construction of the new palliative care facility.

The proposed location, in close proximity to the existing hospital buildings, allowing good access to specialist departments whilst providing a distinct identity of its own.

Located to the south east of the campus, the proposed site location is in a quieter area of the hospital, with little vehicular movement currently. The proposed site area will require a re-alignment and alteration to the existing car parking area and roadway, including the provision of a drop-off point. The integration of landscape and levels around the site has been developed as part of this application.

The immediate environment around the site of the proposed new unit is predominately the two and three storey hospital ,which is well articulated with regular broken rooflines and bay windows, spread out around courtyards. The exterior finishes are mainly stock brick and render walls with pitched slate roofs complemented with smaller areas of flat roof.

PLANNING HISTORY

The most recent applications at the site are as follows:

17/0684: Two new glazed link corridors – Awaiting determination

10/1178: Extension of MRI scanner suite to house new equipment – Approved
07/12/10

09/0287: Conversion of ground floor staff accommodation to offices – Approved
23/04/09

08/1232: Extension to hospital building, new VIE compound, new CHP plant –
Approved 06/10/08

05/2125: Provision of additional car parking – Approved 27/02/06

PUBLICITY

The application has been advertised by means of a press notice, site notices erected at the site and individual neighbour letters.

An email has been received from the Clerk of Llantrisant Community Council who confirms that “At the Council’s last meeting Members discussed the application and wish to forward their full support for the Specialist Palliative Care Unit at Royal Glamorgan Hospital”

The proposal represents a ‘major’ development and accordingly the applicant undertook the required statutory pre-application consultation. The results of which are included within their PAC which accompanies this application.

The PAC outlines that a 28 day consultation exercise was undertaken in March/April 2017. The PAC confirms that no third party responses were forthcoming and that letters of support were received from Llantrisant Community Council, Mick Antoni AM and the former RCT Elected Member for Talbot Green, Paul Baccara.

CONSULTATION

RCT Transportation Section – no objections raised.

The proposed development is partially located on an existing car parking area to the south eastern corner of the hospital site. As such, the proposed development incorporates alterations to this car parking area, including the provision of additional spaces to serve the development.

The applicant has engaged in pre-planning consultation with the Highway Authority, where it was agreed that 28 no. parking spaces would be required for the proposed development.

RCT Flood Risk Management Section (Drainage) – **no objections** are raised subject to the imposition of a condition requiring confirmation of the route of the existing route of the discharge point for surface water.

Natural Resources Wales (NRW) – no objections are raised. It is noted that the application site lies partially within Zone C2 and that highly vulnerable development should not be permitted within Zone C2. However, it is also recognised that this is also an existing hospital site. The FCA has been reviewed and subject to the building finished floor level being set at 60.38m AOD **no objections** are raised, subject to the imposition of an appropriate condition.

Welsh Water – **no objections** raised, subject to conditions. Advisory notes are also suggested as it is noted there is a public sewer which crosses the site.

The Coal Authority - have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Phase II Ground Investigation Report (November 2016, prepared by Listers Geotechnical Consultants Ltd), which accompanies this planning application.

Based on this review of existing sources of geological and mining information the Report confirms that physical investigation by rotary drilling will be required to allow a robust coal mining risk assessment and to inform any necessary remedial measures. Consequently, on the basis that a condition is imposed on any consent to ensure that the works, along with any necessary remedial measures are implemented prior to the commencement of development, The Coal Authority has **no objections** to this planning application.

Wales & West Utilities (WWU) – have **no objections** to the proposals, however, our apparatus may be at risk during construction works and should the planning application be approved then we would require the promoter of these works to contact us directly to discuss our requirements in detail.

RCT Public Health & Protection – no objections raised, subject to conditions.

RCT Countryside Section (Ecologist) – **no objections** raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The LDP Proposals Map (under policy SSA13) identifies the site as lying inside defined settlement limits.

Policy CS2 – sets out criteria for achieving strong sustainable growth in the Southern Strategy Area. Criteria 4 refers to the specific need to realise the importance of the Principal Town of Llantrisant/Talbot Green as an area of social and economic growth.

Policy AW5 – identifies the design criteria (under the headings of Amenity and Accessibility) for new development.

Policy AW6 – supports development that promotes high quality design and placemaking.

Policy AW7 – sets out criteria for the protection and enhancement of the built environment.

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

Policy SSA3 – sets out a number of criteria for development within the Principal Town of Llantrisant/Talbot Green.

Supplementary Planning Guidance (SPG)

Access, Circulation and Parking

Design and Placemaking

Nature Conservation

National Guidance (Planning Policy Wales – 9th Edition, November 2016)

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

Other relevant policy guidance consulted:

TAN12: Design (2016)

TAN15: Development and Flood Risk (2004)

TAN18: Transport (2007)

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.

PLANNING CONSIDERATIONS

The proposal represents the development of a facility falling within Class C2, within an existing hospital (also a Class C2 use) setting.

The accommodation provided within the proposed new building can be broadly seen as falling within four functions:

- entrance & main reception
- service support and office areas
- 8 bedroom In Patient Unit (IPU)
- day hospice and therapy areas.

The unit's focal point is an informal reception and seating area and a shared kitchen that greets the visitor as they enter the building. These are placed in the centre of the unit on the circulation spine that links the unit with the main hospital. The intention is for the kitchen to be shared by staff, relatives, volunteers and the more able patients to form a social heart of the building that provides a simple reassuring space for more informal and incidental conversations. The reception seating area provides a further complementary social space opposite the kitchen.

On the hospital side of the unit is the service support area. This accommodation straddles both sides of the circulation spine. Within these areas are offices for nurses, doctors and administration, combined with a large MDT room and stores.

The day hospice and therapy areas have been placed on the south side of the building as this affords the best views and daylight to the dayrooms that are at the core of this facility. The day rooms are grouped together in the south west corner of the building and benefit from a sunny external garden area allowing doors out onto a terrace. At the centre of the day hospice is an open and airy meet and greet space. This area combined with the two day rooms provides a large flexible space from where group therapies can be accessed and social interaction can take place, as well as forming a relaxed waiting area for either group or one to one therapies. Further flexibility can be gained as folding screens can be arranged to divide this

space into two or three completely separate rooms. The therapy rooms are arranged to the east side of the day hospice and all are directly accessible from the central meet and greet area.

The In Patient/Residential Unit is positioned around the north end of the unit. There are eight bedrooms clustered around a central nurse base. Each of the bedroom has it's own en-suite and has a large glazed opening onto a private terrace that in turn looks out into the garden area. The nurse base hub is set at the heart of a central top-lit ward/social space. This area is arranged in a "U" shape, with rooms clustered around the returning end. This social end is more spacious and includes informal seating areas. Behind the nurse base, within the In-patient unit's core, is the drugs room, bathroom and sluice facilities forming a central support area that can be accessed directly from all bedrooms.

At the centre of the building, adjacent to the kitchen is the main entrance the IPU. Along the West side of the "U" there is a warm-up kitchen and stores. At the east side of the unit is a quiet room and a relatives room that can be used for overnight stay. This is where another door from the IPU opens out into the main circulation spine of the building.

The Roof space is a multi functional area containing mechanical and electrical plant rooms and a roof void for service routes and individual cooling equipment to rooms. Externally, these spaces are enclosed in a low pitch roof. There is an enclosed access staircase that leads up from the centre of circulation spine to the plant room areas. Beyond the plant rooms access is provided to the internal roof spaces and flat roof areas for maintenance to services and the photovoltaic panels that are located at the centre of the flat roof.

In designing the building it is considered that the applicant and their architects have achieved a solution which is in scale and harmony with the context of the 'host' hospital building and the wider area.

A further application (ref: 17/0684, received in June) for two glazed link corridors, one of which will provide the connection between the proposed new facility and the main hospital (at a point between wards 115 and 116 of the South Wing) has been submitted separately. This application is being currently being considered and is likely to be determined under delegated authority. The presence of this link as a 'Possible Future Link' is noted on the West Elevation drawing (0662/DR-114(C))

The nearest occupied buildings (outside of the hospital site) are the commercial Class B1 office units, nos. 7-9 Magden Park, which stand approximately 100m south east of the proposed new building. These lie beyond the significant boundary landscaping and on the other side of the Nant Muchudd. It is not considered that they will adversely impacted upon to any noticeable extent and it is considered that the scheme complies with policies AW5 and AW6 of the Local Development Plan.

The application site lies partially within a Zone C2, as defined by the TAN 15 Development Advice Map (DAM) and NRW it is within the 0.1% annual probability fluvial flood outline of the Nant Muchudd, which is a designated main river.

In seeking to address this issue the building has been designed to have a finished floor level (FFL) of 60.38m AOD. The surrounding car parking area will remain at the current level of 59.5m AOD. In the 1 in a 1000 year event this would result in the car park flooding to a depth of 300mm. However, NRW acknowledge the information contained within the submitted FCA together with the existing use of the hospital site and subject to a condition requiring the FFL of the building to be set at 60.38m AOD raise no objection on flood risk issues.

No adverse drainage comments have been received from either Welsh Water or the Council's own Flood Risk Management Officer. It is noted however, that Welsh Water identify that the application site is crossed by a public sewer (which is understood to be a 375mm diameter combined sewer, approximately 3.1m below ground level). The applicant has been made aware of this and through their technical agent have started the process of entering into a build over agreement with Welsh Water.

As part of the application package a Parking Feasibility Study Report has been submitted. This not only considers options for car parking within the site, but also opportunities for pedestrian, cycle and public transport travel options.

The proposed building for approximately half of its floor plate will be built over the existing staff car park, which is situated in the south eastern corner of the hospital campus site, adjacent to the emergency A4119 northern off-slip access road (which is only available for use by emergency vehicles, it is not a public access and is barrier controlled). This will result in the loss of this car park and a re-configuration of parking provision within this area of the hospital campus site.

The current car park, which will be lost provides 97 spaces (inc. 5no. disabled parking bays).

As part of the statutory (for major applications) pre-application planning process the applicant engaged with RCT, as the Highway Authority and it was agreed that 28no. parking spaces would be required for the proposed development. The TRICS database was consulted to arrive at this figure given that there is no specific 'palliative care' category within the Council's adopted Supplementary Planning Guidance (SPG). Subsequently, it was agreed that 125 parking spaces would be required to cover the spaces lost in the existing car park as well as the additional requirement of the proposed development.

The submitted 'Proposed Site Plan' confirms the provision of 125 parking spaces (inc. 7no. disable parking bays) within the re-configured car parking layout. Accordingly, the Transportation Section have raised no objection to the application.

The provision of the parking numbers will be achieved to some extent at the cost of some of the amenity grassed and landscaped along the sides of the site access roads to the south eastern corner of the site and to the south of the South Wing, in close proximity to the Maternity South Entrance. Indeed it is the 'nibbling' into these landscape areas which will result in the majority of those trees being lost needing to be removed, as opposed to the construction of the new building itself. However, in the wider context it is not considered that the loss of amenity area will be significant and the balance of planning judgement is that the provision of appropriate levels of car parking should be given greater weight.

In respect of ground conditions parts of the application site (as do existing hospital buildings) lies above areas identified as being 'high risk' due to historical coal mining activity. The applicant has submitted a Coal Mining Risk Assessment, within a wider 'Phase II Ground Investigation' Report.

The Coal Authority have confirmed that they concur with the recommendations contained within the Phase II Ground Investigation Report (November 2016, prepared by Listers Geotechnical Consultants Ltd); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose an appropriate condition should planning permission be granted for the proposed development requiring these works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The application submission includes an Arboricultural Impact Assessment report which identifies the trees that will need to be removed, together with information and a methodology for the protection of those trees that will remain, during the period of construction and for their future management beyond

The fringes/margins of the hospital site do benefit from areas of structured landscaping, which was planted when the hospital was built in 2000. As a consequence of the development a limited number of trees (inc. Hawthorn/Whitebeam/Norway Maple/Crab Apple/Wild Service Tree/ Field Maple/Ash/Lime/Cherry/Hazel/Rowan and a single Oak) will need to be removed. However, the loss of these trees will be mitigated by the establishment of a detailed landscaping scheme. Whilst it is noted that the submitted 'Proposed Site Layout'

plan indicates areas of new planting it gives no detail of size, species etc..and therefore it is recommended that an appropriate condition be attached requiring the submission of a comprehensive landscaping scheme.

It is noted that there are no trees outside the boundary of the hospital site which are affected by the proposals.

In addition to the arboricultural report a Baseline Site Ecological Audit has been provided. This notes that in the main the site is of low ecological value because it is dominated by hard standing and closely mown amenity grassland. However, it does acknowledge that an area of plantation woodland, towards the southern boundary of the hospital site and the Nant Muchudd should be fenced off and protected from harm during construction activities

The Council's Countryside Section have considered both the arboricultural report and the ecological site audit, which was also submitted with the application and have raised no objections to the application.

In conclusion, it is considered that the proposed development is compliant with national and local planning policy. In addition, it is recognised that the scheme will secure a 'state of the art' Palliative Care Unit at the Royal Glamorgan site which will enable staff to deliver the highest standard of care to patients both on the unit and across the hospital.

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.

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 within the following approved plans/drawings:
 - Location Plan – 0662/DR-100(A)
 - Existing Site Plan – 0662/DR-101(A)

- Proposed Site Plan – 0662/DR-105(B)
- Proposed Ground Floor Plan – 0662/DR-111(E)
- Proposed Roof Space Plan – 0662/DR-112(D)
- Proposed Roof Plan – 0662/DR-113(E)
- Proposed Elevations 1/2 – 0662 DRG 114(C)
- Proposed Elevations 2/2 – 0662/DR-115(C)
- Proposed Sections – 0662/DR-116(D)
- 3D Views – 0662/DR-150 (-)

Reason: In order to define the extent by the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping for the site. This scheme shall also include, in accordance with the recommendation is Section 4.0 of p.7 of the Arboricultural Report (Hillside Trees Limited – December 2016), a detailed Arboricultural Method Statement.

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

4. 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.

5. Building operations shall not be commenced until samples of the external finishing 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. Prior to any constructional development commencing on site, having regard to the recommendations within the applicant's Phase II Ground Investigation Report (Price & Myers- Report No. 16.09.021a, November 2016), there shall be submitted for the written approval of the Local Planning Authority a scheme of intrusive verification drilling/investigation and a programme for the undertaking of such drilling/investigations. The findings of the further verification drilling to be carried out, together with details of any proposed measures identified as being required, shall be submitted to and be agreed in writing by the Local Planning Authority. Any remedial measures identified as being necessary shall be implemented on site prior to or as part of the development in accordance with the agreed details.

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.

7. The finished floor level of the Palliative Care Unit building hereby approved shall be set at 60.38m AOD.

Reason: In the interest of health and safety and the need to reduce flood risk, having regard to policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development works shall take place until such time as all drainage arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be 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.

9. No element of new Palliative Care Unit building hereby approved shall be occupied until the drainage works (*as to be agreed under condition 8*) have been completed in accordance with the approved details.

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

10. The 125no. car parking spaces layout as shown on approved plan 0662/DR-105(B) shall be constructed and available for use prior to the first

beneficial occupation of the Palliative Care Unit building hereby approved. Thereafter the approved parking layout shall be retained purely for parking of vehicles only and for no other purposes, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory provision for car parking is made and maintained, having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence until full details of the programme of works and ongoing management required in order to implement the ecological recommendations within the applicant's Baseline Site Ecological Audit (Betts Ecology and Estates – Report Ref: S:6539/J000656, July 2016) have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme.

Reason: In order to protect and enhance interests of ecology and biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/0695/08 (GH)
APPLICANT:	Rhondda Cynon Taf County Borough Council
DEVELOPMENT:	Installation of a new dedicated access point and 4.8m wide carriageway connecting to the existing playground to the north of the site served by a vehicular crossover to the adopted highway on Graiglwyd, modifications and alterations to the existing front elevation car park to increase parking capacity and the installation of a new Multi Use Games Area to the north east of the site on the site of the existing sports field.
LOCATION:	MAESGWYN SPECIAL SCHOOL, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE
DATE REGISTERED:	20/06/2017
ELECTORAL DIVISION:	Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the impact it has upon the amenity and privacy of the neighbouring occupiers and highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by the Council, relates to land and property within the Authority's ownership, and it is considered that the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Full planning consent is sought to create a new vehicular access and construct a Multi Use Games Area (MUGA), at Maesgwyn Special School, Cwmdare.

The development consists of the following elements:

Access and new car park/drop-off point:

A new dedicated vehicular entrance is proposed at a point off Graiglwyd with a new section of carriageway leading to the existing tarmacadam playground area to the north of the site. The carriageway, which would be for vehicles only, would be lit by three standard street lighting columns.

The playground would be converted to a car park and lined to designate parking spaces for taxis and mini buses to drop-off pupils. This would provide a safe walking route and access to the school entrance. Pedestrian access would still be possible from the Cwmdare Road entrance.

Front Car Park:

The existing entrance from Cwmdare Road would be retained and the parking area to the front of the school extended to provide an additional fourteen spaces. This would necessitate use of the part of the grounds already allocated as allotments and shared growing area.

Consequently, the plans demonstrate that the greenhouse, sheds, raised beds and other paraphernalia would be repositioned within the north-eastern corner of the site, to be accessed via a new footpath and DDA-compliant ramp.

MUGA:

The applicant notes that the lower playing field at the school is unusable for the majority of the school term, since it is often waterlogged for eleven months of the year. Therefore the construction of an all-weather MUGA, with surface water draining to an attenuation tank, would enable year-round use, whilst making up for the loss of the tarmacadam playground to the rear.

The playing surface would be constructed from tarmacadam and the MUGA would be contained by a 3m high powder-coated mesh fence and floodlit by sixteen LED lights mounted on eight 6m high columns.

The application is accompanied by a design and access statement and technical drawings in respect of the proposed drainage system and attenuation tank.

SITE APPRAISAL

The application property is Maesgwyn Special School, which occupies a site on the outskirts and to the north of Cwmdare and Aberdare, and encompasses an area of approximately 1.25ha.

Vehicular access to the site is currently gained directly from Cwmdare Road to the south, with the pupil drop-off entrance at Graiglwyd. The school comprises a main single storey building of late 1960's style and construction, together with a number of outbuildings of smaller scale, a playground, garden and field.

The school site is bounded by residential properties to the south and west, which are located at Graiglwyd and Nantgwyn, by the grounds of Coleg Y Cymoedd to the east, and by open land to the north. There is a general fall in level towards the east such that the school, as viewed from the housing development appears well-screened and has little visual impact on the street scene.

PLANNING HISTORY

The most recent applications associated with this site are:

08/0352/10:	Building of a greenhouse for vocational course in horticulture.	Granted 25/04/08
07/2148/10:	Storage Container on School Site.	Granted 05/02/08
07/2141/08:	Proposed construction of single storey workshop/skills training facility, with covered link to main school building.	Granted 05/02/08
06/1108/10:	Section of land at the end of football field to be developed as an allotment, green palisade fencing 2.4m high inclusive of double gate.	Withdrawn 28/02/07
03/0961/08:	Rear extension to rear area to form 2 No. classrooms/ community room.	Granted 08/08/03
00/4337/25:	School grounds development project.	PDV

30/08/00

98/4156/25: Informal enquiry for a workshop.

PDV
02/04/98

PUBLICITY

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

No letters of objection or representation have been received.

CONSULTATION

Highways - no objection subject to conditions in respect of the junction design, street lamp column, HGV access and traffic management.

Dwr Cymru/Welsh Water - no objection, but requests that a condition in respect of the proximity of a public sewer.

Any other responses received within the statutory period will be reported to members as late correspondence.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberdare

Policy CS1 - promotes accessibility by securing investments in new roads and public transport movements including walking.

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 - supports development where there is no unacceptable harm to health or amenity due to light pollution or public health and safety.

Supplementary Planning Guidance:

- Access, Circulation and Parking Requirements
- Design and Placemaking

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 11 (Tourism, Sport and Recreation) 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, Recreation and Open Space

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

Due to the nature of the school and the wider catchment area for its pupils, the vast majority travel to school by taxi or minibus. Since the current car park at the front of the building is so small it cannot safely be used for vehicles to drop children off and turn around.

Consequently children are dropped off at the pedestrian entrance to the site in Graiglwyd and escorted into the school building. This means that a large number of motor vehicles arrive at more or less the same time and also wait in adjoining residential streets at the end of the school day.

This arrangement is unsatisfactory, and has not only led to a strain on the local infrastructure and tested the patience of residents, but has also led to a safeguarding issue where a pupil was dropped off without being escorted into the school and absconded for a while.

The proposed changes to provide a separate vehicle entrance leading to a designated drop off zone would improve matters for local residents and be compliant with Policies CS1 and AW10 in respect of accessibility and public safety.

With regard to the use of the current tarmacadam playing surface behind the school, it is acknowledged that this would be lost and that the overall provision at the site would be less than it is now.

Nonetheless, the school advises that the lower field is rarely used due to its tendency to waterlog. In addition, the extent of the open space around the site would be considered more than sufficient to service the school and its usability would be greatly enhanced by both the MUGA and the relocated and improved outdoor growing space.

Therefore, the development would be acceptable both in principle and in terms of the local and national policy framework, subject to consideration of the issues below.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

With regard to how the development would appear from the public realm, any visual impact would be limited to the new crossover into the school site from Graiglywd, where the pupil entrance, comprising of a metal fence and gate, is already apparent.

As a consequence, it is likely a small number of trees close to the western boundary would have to be felled, to enable the construction of the tarmacadam carriageway, although the fall in land levels and vegetation on the other side of the boundary would screen the road surface.

The same applies to any views of the development from Cwmdare Road, where the enlarged car park and school forecourt would remain hidden behind the three two-storey properties to the south and screened by the hedges and trees of the Coleg Y Cymoedd site boundary.

For this reason it is also likely that other than from within the grounds of the College, the MUGA would not be apparent within the street scene, although the provision of a fenced facility of this kind would be considered wholly appropriate to the context of the site in any event.

Lastly, in respect of the new footpath, relocated allotment area and steel storage container shown on the plans accompanying the application, it is likely that these

would be considered 'deemed consent' under Part 12 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Impact on neighbouring occupiers

As noted further above, the new site entrance and drop off area is likely to be beneficial to the residents surrounding the site, since mini buses and taxis will no longer need to wait within the adopted highway serving Graiglwyd and Nantgwyn.

In all other respects the car park and MUGA are not likely to be visible from the dwellings to the west due to the level of the playing surface being several metres lower, although the tops of the street lighting columns and MUGA floodlights may just be apparent.

Since the adjoining residential streets are already lit, the three lights alongside the new access road would not be considered to be intrusive. The applicant has stated that these would be controlled by both a timer and photocell such that they would only be operating for 90 minutes either side of the school opening hours.

Similarly the MUGA flood lights, supported by 6m high columns would be at least 60m away from the nearest house and at a lower level. The applicant has stated that since the children leave the School at approximately 15.15hrs, it is unlikely that the lights would be used except for during dark winter days.

However, the School may wish to offer use of the MUGA to the local community and have advised that there may be occasions when this is the case that the lights would be on after school hours, but switched off at 21.00hrs. It is considered that a condition preventing use beyond this point would be appropriate to add to any consent.

Nonetheless, it is considered that the development as a whole would not be detrimental to the amenity or privacy of neighbouring occupants, and is therefore acceptable in these terms.

Highways

The proposal provides for a new 4.8m vehicular access point served from Graiglwyd, which would lead to a 34 space vehicular drop off / pick up point. This would relieve the existing pressures on the surrounding area by removing the indiscriminate on-street car parking at picking up and dropping off times, and maintain carriageway widths for safe vehicular access.

Highways officers have noted that a number of amendments are required to the submitted drawing, which could be secured by a suitably worded condition, to incorporate the following:

- Provide radius kerbing on the exit point.
- Provide un-controlled pedestrian crossing point either side of junction.
- Provide 10 x 5 demarcation kerb laid flush along the line of the rear of the footway across the new access point.
- New left turn signage to be placed behind the public footway.

There is some concern that the existing access point onto Cwmdare Road is only 4m in width with no improvements proposed to widen the access. However, taking into account that the development would not generate an increase in traffic using the existing access point the development is considered to be acceptable in terms of highway and pedestrian safety.

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 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 drawing numbers:

5490/2363 E01A, 5490-3046-B02, 5940-3046-B03, 02 Rev P0, 03 Rev P0, 10 Rev P0, 11 Rev P0, 12 Rev P0

and documents received by the Local Planning Authority on 20th June 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. Notwithstanding the development hereby approved, the floodlights located around the perimeter of the Multi-Use Games Area shall not be used any later than 21.00hrs on any day of the week.

Reason: In the interest of the amenity of neighbouring occupiers in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

5. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

6. Notwithstanding the submitted layout plan, engineering design and details of the vehicular access to include radius kerbing, demarcation kerb, un-controlled pedestrian crossing point, construction details and surface water drainage details shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial use.

Reason: To ensure the adequacy of the proposal in terms of highway and pedestrian safety.

7. The street lamp column affected by the proposed access shall be relocated in a position to be agreed in writing by the Local Planning Authority prior to any works commencing on site.

Reason: In the interests of highway safety.

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.

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

20 JULY 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

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