

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
7 DECEMBER 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.5
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: 17/0407 - The refurbishment and retention of the ground floor retail unit (A1), conversion of first floor and erection of 3 additional floors for residential accommodation (C3) (31 one bed flats, 13 two bed flats), retention of basement for car parking, and associated works, Former Marks And Spencer, 100-102 Taff Street, Pontypridd
2. Application No: 17/0498 - Proposed development of specialist care facility for vulnerable adults between the ages of 18 and 65, Gelli Ceirios Care Home, Fforchaman Road, Cwmaman, Aberdare.
3. Application No: 17/0525 - Proposed revised restoration scheme following completion of coal extraction pursuant to Condition 8 of planning permission reference 13/0466, incorporating formation of a plateau for future development in accordance with Policy NSA8 of Rhondda Cynon Taf Local Development Plan, at opencast site, Tower Colliery. (Amended site and section plans, drainage details and new photo montages dated October 2017), Tower Colliery Railhead, Rhigos Mountain Road, Rhigos, Hirwaun, Aberdare.
4. Application No: 17/0764 - The installation of a radio base station consisting of a 25m lattice mast supporting 3 no. antennas, 2 no. 300mm dish, 2 no. equipment cabinets and ancillary development thereto, land at Mill Farm, Abercynon Road, Glyncoch, Pontypridd.

5. Application No: 17/1058 - Variation of condition 1 of previously approved planning application 12/0468/10 (Conversion of former public house into 9 self contained flats. Granted 30/10/2012) for an extension of time for a further 2 years, Aberaman Hotel Public House, Jubilee Road, Aberaman, Aberdare.
6. Application No: 17/1097 - Proposed Development of Fourteen Dwellings including access and parking, V Griffiths And Son Roofing Ltd, Jones Street, Cilfynydd, Pontypridd.
7. Application No: 17/1179 - Double extension to rear of property, 52 Maesteg Crescent, Tonteg, Pontypridd.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 17/0407/10 (CHJ)
APPLICANT: DR Real Estate Ltd
DEVELOPMENT: The refurbishment and retention of the ground floor retail unit (A1), conversion of first floor and erection of 3 additional floors for residential accommodation (C3) (31 one bed flats, 13 two bed flats), retention of basement for car parking, and associated works.
LOCATION: FORMER MARKS AND SPENCER, 100-102 TAFF STREET, PONTYPRIDD, CF37 4SL
DATE REGISTERED: 20/09/2017
ELECTORAL DIVISION: Town (Pontypridd)/Graig

RECOMMENDATION: Approve.

REASONS:

The extension of the building will improve the architectural quality of the existing building and will deliver an enhancement of the overall street scene and, by this improvement will enhance the character of the Conservation Area.

The introduction of flats will add vibrancy to the town centre at all times of the day and will compliment a number of town centre uses, such as pubs, clubs and restaurants that operate outside of normal business hours.

The proposed refurbishment of the retail premises will have a positive impact on the vitality and viability of the town centre its approval will enhance the attractiveness of the premises in securing a future retail tenant.

REASON APPLICATION IS REPORTED TO COMMITTEE

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

APPLICATION DETAILS

The proposal involves

- (a) The refurbishment of the existing retail premises
- (b) The erection of three additional floors for residential accommodation (31 one bedroom flats and 13 two bedroom flats)

- (c) The retention of the existing basement area for car parking (13 spaces in association with the 2 bed flats) and associated works.

The basic arrangement of the building, as proposed, will consist of the following:

- Basement Level – Car Parking (plus refuse bin and bicycle storage)
- Ground Floor Level - Retail
- First Floor Level – Residential
- Second Floor Level – Residential
- Third Floor Level – Residential
- Fourth Floor Level - Residential

While the works proposed by the application are substantial, the footprint of the building will not change.

Pedestrian access to both the retail unit and the flats will be from Taff Street. Vehicular and Service access to the flats and retail store will be from the existing access from the adopted lane (leading to the pedestrian access to the Park).

The existing building provides 2335 sq.m. of internal floor-space. The proposal will provide a net additional gross floor-space of 1930 sq.m. resulting in a total (internal) floor-space of 4305 sq.m.

It is understood that the applicant has been in discussion with a Housing Association however, Committee is advised that the “tenure” of any given residential development is not, of itself, a material planning consideration and that the development proposes 44 one and two bedroom flats and should be considered on this basis. Regardless of the proposed tenure, the LDP will require a minimum of 20% of the accommodation to be “affordable” (in accordance with the Councils SPG).

The planning application was also accompanied by a Design & Access Statement (DAS), a Flood Risk Assessment (FCA) and an Air Quality and Noise Assessment.

Due to the scale of the application the proposal was also the subject of the statutory Pre-Application Consultation (PAC) process. As part of this process the applicant engaged with the Pontypridd Town Council, Local Councillors and the community, as well as a number of statutory consultees.

The findings of this exercise were collated and a PAC Report was also submitted with the application.

SITE APPRAISAL

The application site is the former Marks & Spencer store on Taff Street. .

The site is located to the southern end of the town centre of Pontypridd along the main shopping area.

The site comprises a two storey building fronting Taff Street. The site slopes so as to have a substantial basement level (the former Food Hall). The building has an unusual "L" configuration which may not be immediately apparent when viewed from inside the store or on the surrounding street / park.

While the building occupies an important and prominent site within the Town Centre the building is of no particular architectural merit although the site itself falls within the Pontypridd Town Centre Conservation Area.

The surrounding buildings are predominantly retail / commercial in use although some residential uses are to be found on the upper floors of nearby buildings.

Taff Street is partially "pedestrianised" with access for (certain) vehicles being restricted at certain times of the day.

A bus stop (with benches and other street furniture) is located immediately outside the store.

The River Taff runs parallel to the site's eastern boundary which adjoins Ynysangharad Park. The River Rhondda runs under the main (formerly ladies wear and food store) part of the building

The principal access is onto Taff Street where the unit's shop front is located. A service yard is located to the site of the building along a carriageway shared with a pedestrian access to the Park.

The site lies within close proximity to Pontypridd Railway Station and Pontypridd Bus Station.

The site also lies in close proximity to the Taff Trail.

The entire building is currently vacant and has been since September 2015 (the closure of Marks & Spencer itself).

PUBLICITY

As part of the application process 22 individual properties were notified of the application by letter. Notices were also placed in the vicinity of the application site (along Taff Street and in Ynysangharad Park) in addition to a Notice being placed in the press.

As a result of this exercise one letter has been received from Pontypridd Town Council.

The material planning considerations contained within this correspondence have been summarised for Committee's convenience:-.

- Observations made in respect of an over saturation of residential uses within the town, public safety in respect of increased vehicular traffic as a result of the proposed use and, that concern is expressed on the implications for parking for the area as a whole. A desire to see a retailer of similar character to M & S is also expressed.

While not specifically relating to this application two other letters were received in respect of a similar (in terms of use) application to change the former bingo hall into 55 flats. The concern related mainly to noise and the potential conflict between the proposed residential uses and the late nights activity premises within the town. For completeness, this issue has also been considered as part of this application.

Concerns have also been expressed about the potential for conflict between pedestrians entering the Park and vehicles accessing the basement area of the M & S building for parking in association with the flats.

PLANNING HISTORY

None relevant to the consideration of this application although Members may wish to note that the applicant has also submitted a similar scheme to that currently being proposed but for 25 flats not the 44 proposes as part of this application.

CONSULTATION

In addition to the above, the following consultations have been undertaken. Again, the respective responses have been summarised for Committee's convenience.

RCT Transportation Section – no objection.

RCT Public Health & Protection – no objection.

RCT Countryside – no objection.

RCT Drainage – no objection.

NRW – no objection.

Dwr Cymru / Welsh Water – no objection.

Statutory Undertakers (Utility Providers) – advise on the location of apparatus.

South Wales Police (Crime Prevention) – have made a number of technical suggestions and would welcome the opportunity to discuss “secure by design” options with the developer.

POLICY CONTEXT

LDP

Proposals Map

The site is:

- within the settlement boundary of the Principal Town of Pontypridd
- within the town centre of Pontypridd
- within the retail centre of Pontypridd
- within the primary retail frontage of Pontypridd
- partly above a site of importance for nature conservation

Constraints Map

The site is:

- within a C2 flood risk zone
- within Pontypridd Town Centre Conservation Area
- adjacent to the essential setting of Ynysangharad War Memorial Park registered historic park
- adjacent to Pontypridd Town Centre Air Quality Management Area

Core policies

Policy CS2 promotes sustainable growth in the South that benefits Rhondda Cynon Taf as a whole. In particular, CS2 supports:

- Residential development with a sense of place that respects the character of principal towns (1)
- Development within settlement boundaries (2)
- Reuse of buildings (2)
- Large-scale regeneration schemes in Pontypridd (3)
- Sustainable transport (6)
- Protection of built heritage (7).

Policy CS5 requires the provision of affordable housing in new housing schemes.

Area-wide policies

Policy AW1 defines the sources of the housing land supply, which include:

- Unallocated land within the settlement boundaries of Principal Towns (3)
- Conversion of suitable structures (5).

Policy AW2 promotes development in sustainable locations, which include:

- Sites within settlement boundaries (1)
- Sites where development would not conflict with adjoining uses (2)
- Sites with good accessibility by sustainable transport (3)
- Sites with good access to key services and facilities (4)

- Sites in a C2 flood risk zone where highly vulnerable development can be justified as necessary to assist the regeneration of a Principal Town, and flood consequences would be acceptable (5)
- Sites where development would support the role and functions of the Principal Towns (6)
- Sites well related to utility provision (8).

Policy AW5 gives amenity and accessibility criteria for new development.

Policy AW6 gives design and placemaking criteria for new development.

Policy AW7 requires development impacting on conservation areas to preserve or enhance the character and appearance of the site.

Policy AW8 requires development not to harm SINC unless mitigation is provided.

Policy AW10 requires development not to harm public health or local amenity because of a range of public health risks, including air pollution (1), noise pollution (2) and flooding (8).

Policy AW11 gives criteria for development involving alternative uses for retail units in retail centres.

Strategy Area policies

Policy SSA1 gives 8 criteria for residential and commercial development in the town centre of Pontypridd:

- Reinforces the role of Pontypridd as a Principal Town;
- Respects the culture and heritage of Pontypridd;
- Is of a high standard of design and makes a positive contribution to the townscape;
- Contributes to the enhancement of Ynysangharad Park;
- Integrates positively with the existing built form;
- Promotes opportunities for new retail, tourism and leisure development;
- Promotes walking and cycling;
- Promotes accessibility to services by sustainable transport.

Policy SSA2 proposes pedestrianisation of Taff Street.

Policy SSA11 sets out a minimum density for residential development of 35 dwellings per hectare.

Policy SSA12 states that the Council will seek provision of 20% affordable housing in schemes of 5 units or more.

Policy SSA13 gives 5 criteria for housing development inside settlement boundaries, of which the relevant 2 are:

- The proposed development is accessible to local services by a range of modes of sustainable transport, on foot or by cycle;
- The proposed development does not adversely affect the provision of car parking in the surrounding area

Policy SSA16 supports retail development that maintains or enhances Pontypridd retail centre's position as a Principal Town retail centre.

Policy SSA17 supports new and improved retail facilities in Pontypridd retail centre subject to 5 criteria, of which the relevant 3 are:

- The proposed use will provide a direct service to visiting members of the general public and generate sufficient day time and evening pedestrian activity to avoid creating an area of relative inactivity in the shopping frontage;
- The proposal does not prejudice the effective use of upper floors, retaining any existing separate access to upper floors; and
- The proposal will retain or provide a shop front with a display function and entrances which relate well to the design of the host building and to the streetscene and its setting, in terms of its materials, form and proportion.

SPG

- Design & Placemaking
- Historic Built Environment
- Design in Town Centres
- Affordable Housing
- Nature Conservation
- Access, Circulation & Parking
- Shopfront Design
- Flats
- Employment Skills

National Planning Policy

Planning Policy Wales 9

4.9.1 – preference for use of previously developed land over greenfield land.

4.11.2 – good design benefits the environment, combats climate change, attracts business and investment, promotes social inclusion and improves quality of life.

5.3.11 – non-statutory designations such as SINC should not unduly restrict acceptable development.

5.5.11 – the presence of a protected species on a site is a material consideration in planning.

6.5.20 – general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area.

6.5.26 – parks and gardens and their settings included in the register of historic parks and gardens in Wales should be protected and conserved.

7.2.2 – economic benefits associated with a proposed development should be understood.

7.2.4 – mixed-use development should be promoted in settlements.

7.6.1 – positive and constructive approach to applications for economic development should be taken.

7.6.3 – employment and residential uses can be compatible – both amenity and economic development opportunities should not be unduly compromised.

9.2.14 – the need for affordable housing is a material consideration.

9.3.4 – new housing development should not damage an area's character and amenity.

10.1.13 - opportunities to live in retail and commercial centres, combined with their good public transport links, make them very sustainable places.

10.1.5 - retailing (A1 uses) should continue to underpin retailing and commercial centres.

TAN 1 - places considerable weight on the need to increase housing land supply where the housing land supply is less than 5 years.

TAN 15 - states that highly vulnerable development should not be considered or permitted in Zone C2.

REASONS FOR REACHING THE RECOMMENDATION

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

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

The principal material planning considerations in the determination of this application are (in no order of importance):

- **the refurbishment of the existing retail unit**
- **the supply of housing within the County Borough**
- **transportation issues and highway safety**
- **the compatibility of the residential use with nearby town centre type businesses (including noise and amenity)**
- **air quality**
- **flood risk**
- **design, especially in relation to the setting of the Conservation Area and the Ynsangharad War Memorial Park.**
- **ecology**
- **the retail use**

The refurbishment of the existing retail unit

The development proposes the refurbishment of a retail unit that has been vacant since September 2015. It lies in a Principal Town Centre, in an established retail zone and has a primary retail frontage and, accordingly complies well with development plan policies for the location of retail development.

The proposal involves the loss of the former basement food hall from retail use, but as this was not a separate independent retail unit, no loss of a retail unit is proposed, therefore policy AW11 is not engaged (which seeks to prevent the loss of retail units).

It is considered that the advantages of providing a modernised retail unit outweighs the disadvantage of a reduction in the overall retail floor-space (in a configuration that would not suit all retailers) and provides the optimum opportunity to secure a new retailer to these premises. .

The supply of housing within the County Borough

The 2017 housing land supply in Rhondda Cynon Taf is in shortage at 1.3 years, so that considerable weight should be given to the opportunity to increase the housing land supply. Grant of planning permission would make a modest but meaningful contribution to the 5-year housing land supply.

The LDP requires that a minimum of 20% (9) of the 44 units should be made available as “affordable” units. The “affordable housing” SPG is a relevant material consideration in the determination of this application.

The provision of 44 flats in a Principal Town, close to rail, bus and cycle routes (Taff Trail) and close to facilities and amenities also complies well with policies for the location of residential development and is considered to be one of the most sustainable locations available for housing in the County Borough

The reuse of a prominently-sited building that has been vacant for over 2 years also complies well with policies that give priority to recycling of previously developed land over development of “greenfield” sites.

Design (especially in relation to the setting of the Conservation Area and the Ynysangharad War Memorial Park).

The proposal involves adding two storeys on the Taff Street frontage and three storeys on the side facing the Park.

The applicant proposes a modern glazed frontage to the retail unit at ground floor level. At first floor and above the facade will include large glazed windows and a rendered finish with grey metallic cladding being provided at the third and fourth level. Members are advised that a plan showing the elevations will form part of the presentation materials at Committee.

The appearance of the increased bulk of the building needs to be considered acceptable under policies for sustainable growth (CS 2), conservation areas (AW 7), essential setting of the registered historic park (AW 7) and regeneration of Pontypridd town centre (SSA 1).

In respect of the mass of the new building, the increased height in Taff Street would be perceived in the context of the visually dominant former Stardust Bingo Hall (former County Cinema) and tall buildings to the north. Discussions have taken place with several prospective developers in respect of the bingo hall and each scheme discussed has involved either its retention (involving substantial alteration and modernisation) or its redevelopment with a building of similar or increased height. Therefore, the increased scale of the proposed development would likely remain to be seen in the context of a higher building and, as such is considered to be acceptable in this respect.

The increased height facing the War Memorial Park is mitigated by the improvement in quality of appearance of what is currently a drab and uninspiring element of the

setting of this historic park. The redevelopment of the building is considered to significantly improve the vista when viewed from the Park and is therefore considered an acceptable addition that will positively enhance the setting of the Park.

The building is also situated within a Conservation Area although is not Listed or afforded any statutory protection based on its architectural quality. Although the alterations proposed to the former M & S are contemporary in its design and materials, it is not considered that this will necessarily detract from the historic environment.

The proposed outlook to the Taff Street elevation is simple and it is not trying to compete with the other more historic and architecturally more interesting buildings on Taff Street and its environs and it is not considered to be detrimental to the setting of any Listed Building or the Conservation Area.

Transportation issues and highway safety

The Council's Transportation Section has advised that the proposed development (as a whole) has a parking requirement of 67 spaces. The provision of 13 spaces leaves a shortfall of 54 spaces and is a cause for concern

As the site is so well-located in relation to the railway station, bus stops and cycle routes, and in walking distance of town centre shops and services, future residents are likely to make use of sustainable means of transport. The location is considered to be one of the most sustainable available within the County Borough.

Equally, the retail unit will be highly accessible by sustainable means of transport. Therefore, the proposal complies well with policies that promote the use of sustainable transport.

The location (within Taff Street) is also subject to vehicle prohibition between the hours of 11.00 and 15.00 and is controlled by a rising bollard. There are some exceptions to this prohibition that enable the local bus service and some businesses that have a genuine need for access (such as banks, pharmacies, refuse lorries, etc.) to gain entry.

The Access, Circulation and Parking SPG is a relevant material consideration.

The basement plan shows 13 parking spaces, 11 in the former food hall. It is acknowledged that this provision could lead to pressure for rights or permissions to drive though the pedestrian zone during the restricted hours (which could undermine the regeneration objective of policy SSA 2) however other residential uses are situated within Taff Street and have co-existed with the restricted vehicular access provisions without any significant issues.

The Council's Transportation Section has assessed any potential impact from the development and has offered no objection to the proposed scheme although have recommended that the access to the basement parking area should be widened to 4.5 metres to allow two cars to pass each other and remove the need for vehicular

reversing movements. It is considered that this can be achieved through a suitably worded condition.

As a result of this development it could be argued that it could lead to an increase in vehicular movements through the pedestrian zone in restricted hours. Committee is advised that the restrictions in place are made by a Traffic Order and any change to that Order would be the subject of a separate procedure under the respective Highways Act and it is not proposed as part of this development.

Concern regarding the potential for conflict between pedestrians looking to access the park and residents looking to access the parking spaces beneath the flats is understandable however the restrictions in place mean that the ability to access the parking spaces will be limited and at all other times of the day there will not be are more significant vehicular activity along Taff Street than currently exists when it is open to both vehicles and pedestrians. A condition requiring the access into the building to be widened will make entry / exit safer.

While construction traffic would need to be carefully managed it is considered that this can be controlled through a suitably worded condition.

Similarly, there is some concern that the development of the Taff Vale site, the redevelopment of the YMCA, the redevelopment of the former Marks & Spencer building and the potential redevelopment of the former Bingo Hall may have significant impact on accessibility through the Town Centre, the impacts of these developments can be mitigated through the use of an appropriately worded condition and the use of highway legislation. While there will inevitably be some impacts, the town centre is seeing a significant level of inward investment that can only be good for the vitality and viability of the town at a time when many other town centres within the country are in a state of decline.

Flood risk

The application was accompanied by a Flood Consequence Assessment

The sites lies immediately adjacent to the confluence between the Rivers Taff and Rhondda and, as such, is located within a C2 flood zone (as designated by NRW's Development Advice Maps (DAMs))

The former food hall is known to have flooded in the 1990s. As the "highly vulnerable" development is proposed at higher levels, there should be no immediate danger to residents, provided there is a safe escape route.

NRW have assessed the FCA and are satisfied that the development will not have any significant impacts on safety / risk of flooding and complies with the guidance set out in A1.14 and A1.15 of TAN 15 (Development and Flood Risk).

Ecology

The River Rhondda is a SINC and there is a potential for there to be protected species under the building (which, in part, is cantilevered over the river).

The proposal involves building upwards rather than doing works within the river however it is likely that there may be some potential for impact within this ecologically sensitive area. It is therefore proposed to include a condition which has regard to the potential impact during the construction period.

Air Quality

The application site is adjacent to the Air Quality Management area but not actually in it. Due to its close proximity, the applicant submitted an appropriate assessment during the course of the application. This assessment was reviewed by the Council's Public Health & Protection Service and no objections were raised in respect of the development.

The compatibility of the residential use with nearby town centre type businesses (including Noise and Amenity)

As the development proposes a significant amount of residential use in a town centre location, there is the potential for this use to be in conflict with uses such as pubs, clubs and restaurants which primarily operate during the evening and early hours of the morning.

Concern was expressed by some local businesses that complaints by residents of the proposed development could mean that their ability to operate may be affected in the event of a complaint raised in respect of noise. In light of these concerns, the applicant was requested to undertake a Noise Assessment which took into account the potential for conflict.

Following the submission of the assessment, the Council's Public Health & Protection Service have advised that there is no objection to the scheme as proposed and have suggested, purely as a recommendation, that the applicant considers installing triple glazing to some windows to minimise any residual risk.

In respect of wider issues it is well acknowledged in Planning decisions that those people who choose to live in town and city centre locations cannot expect the same levels of amenity as those who choose to live in the suburbs and urban fringes. The introduction of additional residential units will enhance the vitality and viability of the town centre by bringing additional activity to the area at times when, traditionally, these areas would be devoid of vibrancy. These flats would help support the pubs, clubs, restaurants and shops within the proximity.

South Wales Police have also responded in respect of the development and have offered a number of technical requirements that the applicant should consider in respect of designing out crime. A copy of this letter has been passed to the applicant.

The Existing Retail Use

While the proposal includes the refurbishment of the existing retail store, the premises itself still has an authorised (lawful) A1 retail use that, of itself, is not the subject of this application.

While everyone would want to see another high profile retailer take up the space, there is nothing that can be done (in Planning terms) to influence this decision and it is up to the owners of the building as to who they wish to sell/rent this space to.

Some concerns have been raised about the loss of the basement area to car parking. While the potential does exist for a large retailer to want more retail space that would be available after the parking area has been created, there is little evidence that there has been any demand for a unit of this size since the closure of Marks & Spencer. Notwithstanding this application, it has always been open to the owners of this building to sell / rent the unit to one or more retailers without the need for planning consent (save for the relatively minor application of a new shop front)

CIL

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf CBCs Residential Charging Zones, where there is a liability of £40 / sq.m. for residential development.

The CIL (including indexation) for this development is expected to be £107,698.74.

However, social housing relief may be claimed on the social housing element of the development.

CONCLUSION

The development represents an exciting new lease of life for the former Marks & Spencer building. Its construction represents a significant investment in the future of Pontypridd Town Centre and will bring added viability and vitality to the area. The design will enhance both the Conservation Area and the views from within Ynysangharad Park.

The building is in a highly sustainable location and should appeal to a wide range of prospective residents and is one of a number of developments proposed / under construction / completed within the Town Centre area that would seem to reverse the decline that is characteristic of many town centres throughout the country. While there may be an element of disruption during the respective construction periods, it is considered that the benefits of this level of investment in the town outweighs any short term implications that may be a consequence. Accordingly the following recommendation is made:

RECOMMENDATION: Grant

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

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

2. Building works shall not be commenced until such time as samples of all external materials have been submitted to, and approved in writing by, the local planning authority. All materials used shall conform to the samples as may be 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 accord with Policies AW5 & AW6 of the Rhondda Cynon Taff Local Development Plan.

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. Prior to commencement of development a scheme shall be submitted to, and approved in writing by, the local planning authority for the provision of 20% (9 units) affordable housing. The scheme shall include the location of the units to be provided, the type of tenure proposed (in accordance with the Council's SPG on Affordable Housing) and the mechanism to secure the type of affordable housing in perpetuity. The development shall be carried out in accordance with the details approved as part of the scheme.

Reason: To comply with Policy SSA 12 of the Rhondda Cynon Taff Local development Plan.

5. No development shall take place until a **Wildlife and River Protection Plan** has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing Protection Zones where construction activities are restricted and where protective measures will be installed or implemented;

- b) Details of protective measures and timing (both physical measures and

- sensitive working practices) to avoid impacts during construction;
- c) Details of precautionary species measures for bats and birds
- d) Details of any riverside vegetation clearance
- e) Details of wildlife sensitive lighting proposals for construction and operation
- f) Details of water pollution control measures
- g) invasive plant control

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii) Installation of physical protection measures and management during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) Specific species and Habitat Mitigation measures;
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

Reason: To protect the integrity of the SINC and its wildlife and to comply with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, full engineering design and detail of the proposed vehicular access to the basement parking area measuring 4.5m in width shall be submitted to and approved in writing prior to the commencement of works on site. The approved details shall be implemented prior to beneficial occupation of the development.

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

7. Notwithstanding the submitted plans, full engineering design and detail of the proposed bin storage area in basement shall be submitted to and approved in writing prior to the commencement of works on site. The approved details shall be implemented prior to beneficial occupation of the development.

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

8. Notwithstanding the submitted plans, full engineering design and detail of the proposed bin storage area in basement shall be submitted to and approved in writing prior to the commencement of works on site. The approved details shall be implemented prior to beneficial occupation of the development.

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

9. The parking area in the basement shall not be used for any other purpose other than parking ancillary and incidental to the use of the residential element of the development.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety.

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

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing 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.

No HGV deliveries shall take place during the construction period between the hours of 11:00 am to 15:00 Pm to and from the site.

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

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APPLICATION NO: 17/0498/10 (MF)
APPLICANT: Tracscare Ltd
DEVELOPMENT: Proposed development of specialist care facility for vulnerable adults between the ages of 18 and 65.
LOCATION: GELLI CEIRIOS CARE HOME, FFORCHAMAN ROAD, CWMAMAN, ABERDARE, CF44 6NH
DATE REGISTERED: 01/06/2017
ELECTORAL DIVISION: Aberaman South

RECOMMENDATION: Approve

REASONS:

It is not considered that the addition of 4 no. extra care units at the site, albeit for use in a slightly different manner to that at the existing unit, would significantly alter the general character of the site. It is therefore considered the application represents an appropriate development at the site.

Additionally, whilst it is accepted that a degree of impact would inevitably occur upon amenity and privacy levels currently enjoyed by the occupiers of the nearest properties, it is not considered any potential impact would be significant enough to warrant refusal of the application. Furthermore, the application is also considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site and it is not considered the development would have any undue impact upon the character and appearance of the area.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as three letters of objection were received following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the construction of a new care home building at Gelli Ceirios Care Home, Cwmaman. The proposed unit would operate in association with the existing care home, essentially forming an extension of the existing use/business, albeit in a separate, detached building. It is noted however that the proposed unit would provide its occupiers with independent, self-contained accommodation with the aid of support staff, whereas the existing unit is occupied as one household with the aid of support staff.

The new unit would be sited to the north of the existing building, within an enclosed area of land that forms the wider curtilage of the site. It would be sited centrally

within the plot, comprising a central two-storey section with single storey elements at either side. The building would measure 28.6m in width by 9.8m in depth, incorporating a pitched roof design to 8m in height. It would be finished in mix of face brick and render with a slate tiled roof and uPVC window frames and doors. The building would accommodate 3 no. observation rooms and a W.C. at ground floor level of the two-storey element, with the first floor accommodating an office, a meeting room, a staff bedroom and store. The single storey elements at either side of the two-storey central block would each accommodate 2 no. 1 bedroom, self-contained apartments (4 no. in total).

The applicant has detailed that the existing Gelli Ceirios Care Home is a privately run business that currently accommodates 6 no. vulnerable adults between the ages of 18 to 65 that live as one household with the aid of support staff. The new unit will essentially extend the original use into the adjacent plot and therefore the increase the total number of residents at the site to 10 no. It is also detailed that the new unit would be occupied as 'step-up flats' with dedicated staff and ancillary rooms to support residents. It will provide an additional service to the existing, established home, allowing progression for users of the main care home to 'step-up' in to their own self-contained living accommodation with the aid support staff.

SITE APPRAISAL

The application site forms a vacant plot to the north of the existing Gelli Ceirios Care Home. It is located within the wider curtilage of the existing building but is not in use for any purpose. The plot is roughly rectangular in shape, amounting to approximately 900m², and rises gently from east to west. It has recently been cleared of vegetation and is enclosed on all sides by mature trees that would remain following development. A row of terraced dwellings are located beyond the trees along the eastern boundary (Fforchaman Road). As the site is located on a valley hillside, the general topography of the area rises steeply from east to west with the adjacent properties to the east being sited at a lower ground level than the application site (approximately 4m below). Conversely, the land beyond the trees along the western boundary is sited at higher ground level than the application site (approximately 4m above). Access to the site is gained via the existing care home vehicular access off Fforchaman Road to the south.

The existing care home building is a large detached property that was formally occupied as a residential dwelling. It was converted to a residential care home with assisted living a number of years ago and has operated as such thereafter.

The application site is located in a residential area of the village and therefore the majority of surrounding properties are residential in nature. However, it is noted that a number of commercial uses are located nearby.

PLANNING HISTORY

Previous planning applications submitted at the site:

13/0209	Gelli Ceirios Care Home, Fforchaman Road, Cwmaman	Erection of three dwellings (resubmission)	Refused 19/09/13 Appeal allowed 10/12/13
12/0599		Erection of three dwellings	Refused 26/09/12

PUBLICITY

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

- No drainage details have been submitted with the application. As the application site is located at a higher ground level than the adjacent dwellings along Fforchaman Road, it may result in surface water running-off from the site to the adjacent properties. Further, culverts run through the site which are not detailed on the submitted plans.
- The construction of the building would result in noise and disturbance to residents of the adjacent properties.
- The proposed access to the plot along Fforchaman Road and then through the existing care home site is not suitable for additional traffic and emergency/refuse vehicles.
- The use of the building as a care home for vulnerable adults may result in the security of surrounding residents being compromised.
- The new building would directly overlook the rear of the adjacent properties along Fforchaman Road.

CONSULTATION

Transportation Section – no objection, 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, subject to conditions.

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 Cwmaman, but is not allocated for any specific purpose.

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

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

Supplementary Planning Guidance

- Design and Placemaking;
- Nature Conservation;
- Access, Circulation and Parking;
- Development of Flats.

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 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the Proposed Development

The application seeks full planning permission for the construction of a new building within the curtilage of an existing care home for use as an extension of the existing care home business/use.

The site is located within the defined settlement boundary and in a sustainable location at the centre of the village. Further, given the current use of the existing property as a residential care home, it is not considered that the addition of 4 no. extra units at the site, albeit each occupied as self-contained living accommodation with the aid of support staff as opposed to the existing unit which is occupied as a single household with the aid of support staff, would significantly alter the general character of the site.

As such, it is considered that the proposed development would be compatible with the existing use of the site and that of the surrounding land uses and the proposal is therefore acceptable, in principle, subject to an assessment of the criteria set out below.

Residential Amenity

As detailed above, the application site is located within a residential area and in close proximity of a number of residential properties along Fforchaman Road. As such it is important to consider the potential impacts of the proposal upon the levels of amenity that neighbouring occupiers currently enjoy.

In order to assist in the assessment of the proposal, the applicant has provided clarification with regard to the way in which the existing facility currently operates and the way in which the proposed unit would operate. It is detailed that the existing care home property, Gelli Ceirios, already provides care for 6 no. residents between the ages of 18 – 65 with varied mental health needs and that the residents live as one household with the aid of support staff. Further, mental and therapeutic support is provided for individuals who need help to regain, maintain and/or develop their living skills within a community setting, quite often following discharge from long-term hospital care. As such the overall goal is to enable these individuals to return to independent living in the local community. It is also commented that there is no typical length of stay for residents as care is delivered on a bespoke client needs basis, however, it is usually long term ranging from one to five years. Further, initially residents may require 24 hour support and are accompanied by staff when out in the community, however, as clients become more able and confident, they require less support and therefore it is not uncommon for residents who are ready to 'step down' into the community to have their own front door key. As such, it must be noted that the care facility is not a secure unit, with the individuals who are resident at Gelli Ceirios living as one household, with shared living and kitchen spaces.

Therefore, whilst the proposed building would be physically separated from the existing care home property and would operate slightly differently, i.e. being occupied as 4 no. self-contained apartments with the aid of support staff, it would essentially operate as an extension of existing use but be occupied by individuals that require less supervision and are ready to 'step down' in to the community. The applicant has also confirmed that there would be no significant operational changes resulting from the increase in capacity, with the existing care home continuing to operate in the same manner.

In light of the above information submitted by the applicant, it is considered that, in many respects, the way in which the application property would be occupied would be similar to that of the existing unit and comparable to that of conventional domestic properties. Consequently, it is not considered that the new unit to provide additional care facilities to cater for 4 no. further residents, albeit in a separate building and in a self-contained manner, would significantly alter the way in which the existing facility functions or the current residential nature of site and surrounding area.

With respect to the impact the building itself would have upon the amenity and privacy of the adjacent properties along Fforchaman Road, whilst it is acknowledged the proposed unit would be sited at higher ground level than the adjacent dwellings, approximately 4m above, minimal ground works would be required on site and there is a band of mature trees along the boundary that separates the site from the neighbouring properties which would remain following development. As such the application site is currently screened from view from the adjacent properties and would remain as such following development. Further, it is noted that the habitable living space within the new unit will be located at ground floor level only with the first floor windows in the front elevation (which would face the neighbouring properties)

only serving an office, store and stairwell. As such it is not considered any undue overlooking would occur. It considered however that conditions should be attached to any consent ensuring the trees remain in place during and following development and that the first floor windows are of obscure glazing to ensure no impact would occur in future.

Additionally, given the separation distances between the new building and the adjacent properties and the relationship it would have with the closest neighbours, it is not considered any undue overbearing or overshadowing would occur.

Finally, it is acknowledged that the objectors have expressed some concern with regard to the potential impact construction traffic and the development of the site would have upon their amenities, commenting that the vehicles associated with the development would 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 only. Furthermore, it is considered a condition could be added to any consent seeking 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. Therefore it is not considered that the movement of additional traffic generated by the construction, along the existing adopted highways in the vicinity, would result in an impact upon the amenities of existing residents that would be so great as to warrant the refusal of the application.

As such, whilst the comments raised by the objectors in this respect are acknowledged and it is accepted that a degree of impact would inevitably occur upon the amenity and privacy levels currently enjoyed by the occupiers of the nearest properties, on balance, it is not considered any potential impact would be significant enough to warrant refusal of the application. The application is therefore acceptable in this regard.

Visual Impact

The application site forms a vacant parcel of land to the rear of the existing building. It is comfortably large enough to accommodate the proposed building which would be appropriately positioned centrally within the plot leaving adequate space for amenity areas and access. 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 more modern design than the immediate traditional, two-storey terraced properties that bound the site, it would be of an attractive design and would be finished in appropriate materials that would

ensure it is not overly prominent. Furthermore, the wider locality is characterised by a mix of building types, ranging from smaller traditional terrace cottages to larger more modern detached dwellings and standalone buildings and therefore it is not considered that the type of building proposed would be harmful to or out of keeping with the character of the area. It is also noted that the plot was recently overgrown and unsightly and its development would considerably improve its current visual appearance.

Consequently, whilst it is acknowledged the proposed building will inevitably form a visible feature from the neighbouring properties, 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 detrimental impact upon the character or appearance of the immediate site or its wider setting. The proposal is therefore considered to be in accordance with local and national planning policy in respect of its visual impact.

Highway Safety

As detailed above, it is noted that a previous application ref. 13/0209/10 which proposed 3 no. dwellings at the site was refused by the Council on 19/09/13. The scheme was refused as it was considered the existing access was substandard to cater for the proposed dwellings, however, Members are advised that the subsequent appeal was allowed with the Welsh Government Inspector paying little weight to the highway and pedestrian safety concerns. With this in mind and following assessment of the current scheme, no objections have been raised by the Council's Transportation Section subject to a number of conditions in relation to the proposed access and parking being attached to any consent.

The Transportation Section commented that the application site is served off an existing access off Fforchaman Road and that the proposed would provide for a 4.5m shared surface with access/egress in forward gear by all vehicles which is acceptable. Further, there are continuous pedestrian links leading to the site which are satisfactory to serve the proposed development and whilst there are no footways within the site, speeds will be slow with limited traffic and therefore no highway objection is raised in this respect.

It was noted that the visibility splay at the junction of the private shared access is sub-standard, 2.4m x 22m right of the access and 2.4m x 14m left of the junction and that the developer has previously undertaken a speed survey which indicates that 85th percentile speeds are between 28-31.6mph northbound requiring a visibility splay of between 36-43m, and 26-31mph southbound requiring a visibility splay of between 31-43m. However, the accident data has been assessed for the previous 5 year period (30/06/2011-29/06/2016) for this section of Fforchaman Road and the adjoining side streets with only one recorded accident due to driver error. Therefore, taking this into account and the fact that all vehicles including emergency service and delivery vehicles can access/egress the site in forward gear, on balance, no highway objection is raised in this regard.

Finally, the Transportation Section commented that the proposed unit would require up-to a maximum of 1 no. off-street car parking space for residents and 3 no. off-street car parking spaces for staff in accordance with the SPG Access, Circulation & Parking 2011, with only 3 provided. However, no objections are raised in this respect as it is assumed that staff would be on a shift pattern which would reduce the car parking requirement. Further, there is space for 4 no. off-street car parking spaces for the existing care home facility which is acceptable.

In light of the above highways assessment, whilst the comments raised by the objectors in this regard are acknowledged and there is some concern regarding the sub-standard vision from the existing access onto Fforchaman Road, given the accident data, the fact that all vehicles can access/egress the site in forward gear, and taking into account the previous history on the site whereby the Inspector gave little weight to the highway and pedestrian safety concerns with a greater trip generation, on balance, it is not considered the proposed development would have a significant enough impact upon pedestrian and highway safety in the vicinity of the site to warrant refusal of the application.

Land Drainage

It is noted that the objectors have commented that culverts run through the site and that no drainage details have been submitted with the application and therefore the development may result in surface water running-off from the site to the adjacent properties. However, following consultation, no objections have been raised by the Council's Land Reclamation and Engineering Section in respect of flood risk. The Land Reclamation and Engineering Section noted that the applicant has not provided any surface water drainage details and consequently it is difficult to assess the potential impact of the development in respect of flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Further, the council has no records of any culverts being located on or under the site. Therefore no objections are raised but it is suggested a condition being added to any consent requesting full drainage details be submitted to and approved by the Local Planning Authority prior to any works starting on site. It is also noted that no objections were received from Dwr Cymru/Welsh Water (DCWW) subject to standard conditions and advice.

In light of the above advice from the Councils Land Reclamation and Engineering Section and DCWW, the development is considered acceptable in this regard, 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 instead.

Trees/Ecology

Given the site is enclosed with mature trees, the applicant has submitted a tree survey with the application that concludes the boundary trees and roots will not be excessively affected by the proposed development. Following consideration of the application and associated documents/plans, the Council's Ecologist has confirmed that the arboricultural information submitted is acceptable however a condition should be added to any consent ensuring the tree canopy works proposed are carried out in line with relevant British Standard and outside of nesting bird season.

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), however, the CIL rate for this type of development as set out in the Charging Schedule is £0 and therefore no CIL is payable.

Conclusion

Given the current use of the existing property as a residential care home, it is not considered that the addition of 4 no. extra units at the site, albeit for use in a slightly different manner to the existing, would significantly alter the general character of the site. As such, it is considered the application represents an appropriate development of a currently vacant plot and would provide a beneficial facility for the area.

Additionally, whilst it is accepted that a degree of impact would inevitably occur upon amenity and privacy levels currently enjoyed by the occupiers of the nearest properties, on balance, it is not considered any potential impact would be significant enough to warrant refusal of the application.

Furthermore, whilst the vision spays onto Fforchaman Road are below the recommend standards, given the relevant accident data, the fact that all vehicles can access/egress the site in forward gear, and taking into account the previous planning/appeal history on the site, the application is also considered acceptable in respect of potential impact upon pedestrian and highway safety in the vicinity of the site.

As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref. AP17016-L10, AP17016-L11, AP17016-L12, DRG No.1 and documents received by the Local Planning Authority on 03/05/17, 31/05/17 and 21/08/17 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 commence until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

4. No unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

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

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

6. No development shall commence until details of improvements to the

existing vehicular crossover at the junction between the site and the highway have been submitted to and approved in writing by the local planning authority. No unit shall be occupied until the crossover has been constructed in accordance with the approved details.

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

7. No development shall commence, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
 - a. the means of access into the site for all construction traffic;
 - b. the parking of vehicles of site operatives and visitors;
 - c. the management of vehicular and pedestrian traffic;
 - d. loading and unloading of plant and materials;
 - e. storage of plant and materials used in constructing the development;
 - f. wheel cleansing facilities;
 - g. the sheeting of lorries leaving the site.

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

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

8. Before any work is commenced on site, including site works of any description, each of the trees to be retained and their root zones shall be securely protected in accordance the details set out in British Standard BS 5837: 2012. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered. The trees on site shall be protected in accordance with the Tree Survey Plan ref. DRG No. 1.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the development hereby approved being brought into beneficial use, the proposed additional car parking for the 4 bed extension shall be installed and both the new parking spaces and the existing car parking provision for Gelli Ceirios shall be retained thereafter for the parking of

vehicles only in association with both the existing and proposed care home.

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

10. Prior to the development, hereby permitted, being brought into beneficial use, all first floor windows in the eastern (front) elevation shall be glazed with obscure glass details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

11. As agreed in the Tree Survey Plan ref. DRG No. 1, no existing trees along the eastern boundary of the site shall be felled, lopped or removed without the prior written consent of the Local Planning Authority.

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

12. No obstruction or planting exceeding 0.9 metres in height shall be placed in the vision splay areas of 2.4m x 22m to the south west and 2.4 x 14m to the north east of the junction with Fforchaman Road.

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

13. Surface water runoff from the proposed development shall not discharge onto the public highway or connect to any highway drainage system.

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

14. HGV's used as part of the construction shall be restricted to 09:30am to 15:30pm 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.

15. The premises shall be used as a residential care home under Class C2 only and for no other purpose (including any other purpose in Class C2 of the

Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the consent granted in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No more than 1 no. residential client shall be resident within each self contained care home unit hereby approved at any given time, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To define the extent of the consent granted in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/0525/38	(PB)
APPLICANT:	Barton Willmore	
DEVELOPMENT:	Proposed revised restoration scheme following completion of coal extraction pursuant to Condition 8 of planning permission reference 13/0466, incorporating formation of a plateau for future development in accordance with Policy NSA8 of Rhondda Cynon Taf Local Development Plan, at opencast site, Tower Colliery. (Amended site and section plans, drainage details and new photo montages dated October 2017)	
LOCATION:	TOWER COLLIERY RAILHEAD, RHIGOS MOUNTAIN ROAD, RHIGOS, HIRWAUN, ABERDARE, CF44 9UF	
DATE REGISTERED:	09/05/2017	
ELECTORAL DIVISION:	Hirwaun	

RECOMMENDATION: APPROVE

REASONS FOR RECOMMENDATION

The proposed restoration strategy does not vary, in terms of its general profile, land form and surface water drainage to the current restoration strategy approved prior to the commencement of coal extraction in 2012, with two exceptions. Firstly, it proposes the formation of a level plateau capable of facilitating employment development opportunities on the Strategic Site in accordance with Policy NSA8 of the LDP within which the application site lies. Secondly, the restoration retains the Nant-y-Bwlch diversion. Neither of these deviations from the currently approved restoration scheme is likely to impact

adversely upon the landscape, visual appearance and drainage of the site or upon the wider surroundings, including the Brecon Beacons National Park.

REASON MATTER REPORTED TO COMMITTEE

- Three or more letters of objection have been received

APPLICATION DETAILS

This application is submitted pursuant to condition 8 of planning permission reference 13/0466 and seeks consent for a revised restoration scheme following the completion of coal extraction at the Tower opencast coal site, Tower Colliery, Hirwaun. As part of its consideration of the planning applications for opencast coal extraction at the site the Council approved a broad restoration strategy in 2012 which essentially proposes the restoration of the opencast site to the pre-mining profiles and landform. This would involve the removal of the overburden mound and tip 901 and the restoration of the Nant-y-Bwlch watercourse which has been temporarily diverted to the eastern boundary of the opencast site.

Coal extraction ceased at the site in March 2017 and the applicant has submitted a revised restoration strategy which broadly followed the previously approved strategy with two major differences. Firstly, the restoration levels at the northern end of the site were proposed to be altered to allow for the formation of a plateau of land accessed off the A465 and capable of future development as part of proposals for development of a wider Strategic Site identified under Policy NSA8 of the LDP. The front face of the plateau would be elevated approximately 20 metres above the level of the land envisaged in the previously approved strategy though still significantly below the maximum height of the overburden mound. Secondly, the revised strategy retained the diversion of the Nant-y-Bwlch water course.

In October the applicant submitted an amendment to the above scheme that deleted the elevated development plateau and replaced it with proposals for a land form very similar to those in the approved restoration strategy of 2012, though retained the Nant-y-Bwlch diversion. The amended proposals will provide a gently sloping landform, comprising a lower plateau at the northern edge of the restored site which will offer the opportunity for the future development of a significant level of business/temporary uses.

SITE APPRAISAL

The application site relates to the Tower Coal Surface Mine which commenced operations in March 2012. The site covers an area of 253 hectares and is located to the south and west of Hirwaun. Most of the site lies to the south of the A4061 Rhigos Road but there is a smaller part of the site located to the north of the A4061 Rhigos Road which incorporates the 1.5km enclosed conveyor system (being

dismantled), covered coal loading facilities and the existing railhead adjacent to the mineral rail freight line. This area also includes a number of water bodies known as Hirwaun Ponds.

The site occupies a generally sloping area from 340m AOD in the south to 210m AOD in the north. The natural drainage of the site has been altered through the implementation of the Surface Coal Mine.

Major services/apparatus belonging to statutory undertakers are located within the site. A high pressure natural gas main runs along the western boundary of the site, overhead electricity lines run close to the southern boundary and electricity pylons cross through the northern part of the site.

There are three Sites of Importance for Nature Conservation within the site known as Hirwaun Ponds (SINC's 9 and 12) and Hirwaun Common (SINC 10). Adjacent to the site, to the north of the mineral railway line lies the Blaen Cynon Special Area of Conservation (SAC) and the Cors Bryn –Y–Gaer SSSI. The Brecon Beacons National Park is located approximately 1.5km north of the site boundary. The site is visible as part of an overall panoramic view from locations within the National Park.

Vehicular access to the site is gained from the Rhigos Road at a point 900m west of the A465 roundabout and 200m east of the Hirwaun Industrial Estate Roundabout.

The nearest residential properties to the site are located adjacent to the access on Rhigos Road i.e. properties known as Maesglas, Cartref and Willows Farm. There are also residential properties within Hirwaun such as those within Redhill Close adjacent to the junction of the A465 and the A4061, Tower Road north of the A4059, Limeslade Close and Caswell Close, properties south of Johnson Park (Mountain View), properties further east off Hirwaun Road known as Waungron, Lyndhurst, Dunromin, Fairview Bungalow and Mountain View Bungalow, and properties within Mount Pleasant.

PLANNING HISTORY

13/0466	Tower Surface Mine, Rhigos Road, Hirwaun	Variation of conditions 19, 20, 21 and 22 of planning approval 10/0292 to extend working hours on Saturdays to 16.00 hours.	Allowed on appeal 03/06/2014
10/0292	Tower Colliery, Rhigos Road, Hirwaun, Aberdare	Land remediation and reclamation of old tips, derelict land and buildings; surface coal extraction and associated ancillary development including improvements to the access onto the A4061; recontouring and	Granted 16/12/2011

landscaping of the site to enable future re-development; restoration and after care for agricultural purposes, nature conservation with public access and provision of a visitor/education centre.

Environmental Statement Addendum received 17/01/11, additional information received 05/05/11 regarding ecology and landscape and visual assessment, details of restoration, soils handling, drainage matters and revised planning drawings to reflect amendments and additional information received 24/08/11 incorporating a Restoration Strategy Plan which was amended on 27/10/11, 05/12/11, 12/12/11 and 14/12/11.

PUBLICITY

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

A total of 85 letters have been received in response from members of the public, the grounds of objection are as follows:

- The residents of Hirwaun and Rhigos were re-assured at public meeting before the commencement of coal extraction that the land would be restored to its original contours, and therefore expect the Council and Tower Regeneration to honour that commitment.
- LDP Policy NSA8 paragraph 6.39 states *'the Council's vision for the Strategic Site is the enhancement of Hirwaun as a key settlement in Rhondda Cynon Taf, through residential, employment and community development, and restoration and enhancement of the landscape and habitats.*' This amendment will not enhance the landscape and habitat of the area, and will have a detrimental visual impact, particularly from the Brecon Beacons National Park.
- The Council should not have earmarked the area for light industrial development under NSA8 when there is a massive area already available on the Rhigos Industrial Estate which should be developed instead.
- Development would have a disastrous affect on wildlife, which should be given a chance to re-establish.

- It has not been demonstrated how the development plateau would blend in with the proposals to dual the A465 Heads of the Valley Road.
- Detrimental impact on tourism to this area.

CONSULTATION

Natural Resources Wales – response will be reported orally at the meeting.

Brecon Beacons NPA – objection, potential adverse impact upon the special qualities of the National Park.

Land Reclamation & Engineering – from the drainage strategy provided the principal of the post mining drainage arrangements are suitable in principal. I would request that to support the discharge rates the attenuation calculations are provided for review to ensure the pre and post flow rates do not increase the risk of surface water flooding off site. I would also remind the applicant at this time that any works to alter the ordinary watercourse will require an Ordinary watercourse consent prior to the works taking place which will sit outside of the planning process.

Public Health & Protection – no objection raised to the revised restoration scheme.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The Proposal and Constraints Maps show that the site lies within the area of primary and secondary coal resources, and that within the western part of the site there is a hazardous installation consultation zone for the high pressure gas main, Sites of Importance for Nature Conservation SINC's AW8 - 9, 10 and 12 lie within the site. Adjacent, and to the north of the mineral railway line lies the Blaen Cynon Special Area of Conservation SAC. The site also lies within the allocated Northern Strategic Area, NSA8, where the concept plan shows the northern part of the site for employment and residential uses and the southern part for open space. The northeast of the site is affected by the Welsh Government scheme for dualling the A465 Heads of the Valleys Trunk Road.

Policy CS10.6 – seeks to ensure that impacts upon residential areas and sensitive land uses from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit.

Policy AW5 – supports development proposals where amenity and accessibility criteria are met.

Policy AW6 - supports development proposals where design and placemaking criteria are met.

Policy AW10 states that development proposals will not be permitted where they would cause or result in an unacceptable risk of harm to health and/or local amenity because of air, light, water and noise pollution, contamination, land instability and flooding or any other identified risk to public health or safety.

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 Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Para 13.15 of Planning Policy Wales advises that noise can be a material planning consideration. Local Planning Authorities should make a careful assessment of likely noise levels and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer. The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.

Minerals Planning Policy

Para 10 sets out the key principles of sustainable mineral development including limiting the environmental impact of mineral extraction.

Para 34 includes noise (in terms of limits, type and locations) that must be addressed to ensure minerals proposals do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.

Minerals Planning Policy (Wales) Minerals Technical Advice Note (Wales) 2: Coal

Para 167 provides Guidance on best practice on noise is in Appendix M.

Para 168 to 177 provides advise in relation to noise impacts, noise surveys and planning conditions for noise.

Minerals Planning Guidance: The Control of Noise at Surface Mineral Workings (MPG 11)

Whilst MTAN 2 supersedes MPG 11 for the determination of noise limits, other elements of MPG11 remain applicable to the assessment of mineral extraction noise in Wales.

Other relevant policy guidance consulted

PPW Technical Advice Note TAN 11 Noise provides guidance on how the planning system can be used to minimise the adverse impact of noise and outlines the main considerations to take into account when determining planning applications.

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 proposal the subject of this application essentially seeks approval for an alternative restoration strategy following the cessation of opencast coal extraction at the Tower Surface Mine. As noted earlier in this report the original restoration strategy approved prior in 2012 prior to the commencement of coaling envisages the site being returned to its pre-mining profiles blending with the topography of the hillside location and restoration of the Nant-y-Bwlch watercourse to its original pre-mining alignment. It is evident from the representations submitted by members of the public that there is an overwhelming desire for the originally approved restoration profiles to be delivered.

In terms of broad principles this application seeks to revise the approved restoration scheme in order to incorporate the creation of a land form or plateau capable of providing opportunities for future development in accordance with Policy NSA8 of the LDP. This policy allocates an area to the south of Hirwaun as a Strategic Site, for development of a mixture of large scale development, including residential (400 dwellings) and employment (36ha). The indicative plan identified on the LDP Proposals Map, shows that the proposed plateau area is located within the employment area of the Strategic Site. Although concern has been expressed by members of the public about the need for and consequences of such development, nevertheless, the restoration proposals are likely to facilitate opportunities for employment development in accordance with Policy NSA8. It is acknowledged that there are no submitted details of the proposed parameters of the type, scale and layout of future development on the plateau; these are not matters for consideration at this stage but the subject of future planning applications if and when detailed development proposals emerge.

Turning to the relationship of the restoration proposals to the dualling of the A465, for access purposes, there are no detailed proposals at this stage. However, the site benefits from an existing 7.3m wide access spur off the Rhigos roundabout to be retained as part of the dualling. Officers of the Council and the Welsh Government

are in on-going discussions to ensure that the detailed highway engineering proposal for the A465 dualling make, or at least retain, adequate provision for access to existing and allocated development sites along its route through Rhondda Cynon Taf. To date, none of these discussions has revealed any fundamental obstacle to the achievement of an adequate highway access to the restoration plateau from the A465 upon completion of dualling.

In terms of its landscape, visual and drainage impacts the alternative restoration strategy and surface drainage scheme, as amended, does not differ greatly from the strategy approved in 2012. It removes all of Tip 901 upon which much of the overburden mound currently sits, though retains the Nant-y-Bwlch diversion as permanent watercourse. The submitted cross sections indicate that the proposed contours of the restored land form will reflect those of the hillside prior to mining activities on the land. However, along the northern edge of the restoration area there is a significant difference where it is proposed to level-off restoration profiles to provide an area of land or plateau providing opportunities for future development in accordance with Policy NSA8. The plateau will be rather irregular in shape and comprise three parcels of land of 10, 12 and 13 hectares totalling 35 hectares and cut-in and levelled at a height no greater than 230m AOD (Above Ordnance Datum), which is comparable to surrounding grounds levels. By way of comparison the earlier submitted proposal for restoration involved formation of a plateau elevated above surrounding ground levels at a height of approximately 250m AOD, with a moderately steeply sloping batter along the northern edge facing towards Hirwaun. It will be noted that members of the public, NRW and the Brecon Beacons National Park Authority expressed concerns about this earlier submitted restoration proposal involving an elevated plateau because of its potential adverse landscape and visual impacts on the surroundings and on the setting of the National Park. The amended restoration proposal, whilst maintaining a plateau capable of providing development opportunities, significantly reduces its elevation and prominence to an extent that is considered unlikely to have unacceptable consequences in terms of its landscape and visual impacts viewed within the context of the overall restoration landform and its wider surroundings. The Nant-y-Bwlch diversion has performed adequately during the period of surface mining and has begun to develop its own ecology as a less rapidly flowing hillside watercourse than the original alignment. Its retention has not attracted adverse comment from NRW and members of the public, including the landowner.

Finally, arising from on-going assessment by and discussions with the Coal Authority it is considered that the amended restoration proposals do not have significant implications for the quantum of the restoration bond held by the Council under the terms of the Section 106 agreement entered into as part of the planning permission for surface coal extraction at the site.

Conclusion

The proposed restoration strategy does not vary, in terms of its general profile, land form and surface water drainage to the currently approved restoration strategy approved prior to the commencement of coal extraction in 2012, with two notable exceptions. Firstly, it proposes the formation of a level plateau capable of facilitating employment development opportunities on the Strategic Site in accordance Policy NSA8 of the LDP within which the application site lies. Secondly, the restoration retains the Nant-y-Bwlch diversion. Neither of these deviations from the currently approved scheme is likely to impact adversely upon the landscape, visual appearance and drainage of the site or upon the wider surroundings, including the Brecon Beacons National Park.

RECOMMENDATION: Grant

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APPLICATION NO: 17/0764/10 (MF)
APPLICANT: CTIL Cornerstone Telecommunication Infrastructure Limited
DEVELOPMENT: The installation of a radio base station consisting of a 25m lattice mast supporting 3 no. antennas, 2 no. 300mm dish, 2 no. equipment cabinets and ancillary development thereto.
LOCATION: LAND AT MILL FARM, ABERCYNON ROAD, GLYNCOCH, PONTYPRIDD, CF37 3ND
DATE REGISTERED: 02/08/2017
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact and its potential impact upon the amenity and health and safety of the nearest residents. Furthermore there would be no impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to Committee as it is a full application for a telecommunications mast and associated apparatus.

APPLICATION DETAILS

Full planning permission is sought for the installation of a telecommunications mast and 2 no. associated ground based equipment cabinets at Mill Farm, Glyncoch. The proposed mast and cabinets would be located centrally along the northern boundary of the field off Abercynon Road, directly to the south of the Cynon Dwr Cymru/Welsh Water Treatment Plant. The base station would comprise:

- 1 no. 25m high lattice tower mast on a concrete foundation. The mast would accommodate 3 no. antenna and 2 no. dishes.
- 2 no. ground based cabinets directly adjacent to the mast in order to house the necessary associated equipment.
- 2.4m high Palasade fencing surrounding the base station for security, including an access gate along the southern (front) boundary.

The applicant has detailed that the equipment is necessary in order for Vodafone and O2 to provide new 4G coverage and improved 2G/3G coverage to their customers within the Glyncoch/Coedycwm/Ynysybwll/Abercynon areas. It is also detailed that seven alternative sites were investigated prior to submitting the application however the application site was considered the best option in respect of impact upon surrounding residents and signal coverage.

It is also noted that an ICNIRP (International Commission on Non-Ionizing Radiation Protection) declaration has been submitted with the application stating that the proposed installation would be in full compliance with the requirements of the radio frequency public exposure guidelines of the ICNIRP, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.

SITE APPRAISAL

The application site forms a small area of land within an open field between the settlements of Glyncoch and Abercynon. The wider field is triangular in shape, level throughout, and is enclosed on all sides by mature vegetation (all of which would remain following development). The field is currently overgrown in places with a dilapidate barn located at the northern corner. Access is gained via an existing field access at the south-west corner off Abercynon Road. The wider field is bounded by further countryside to the north and east, a public footpath and cycleway to the west beyond which is the Cynon DCWW treatment works, and Abercynon Road to the south. The nearest residential properties are located over 100m away.

PLANNING HISTORY

No previous planning applications have been submitted at the site.

PUBLICITY

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

CONSULTATION

Transportation Section – no objection.

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

Countryside, Landscape and Ecology – no objection.

POLICY CONTEXT

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

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

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

Policy AW8 – states that Rhondda Cynon Taf’s distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

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

Supplementary Planning Guidance

- Design and Placemaking;
- Nature Conservation;
- Access, Circulation and Parking.

National Guidance

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

Planning Policy Wales Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government’s policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 19: Telecommunications;
- PPW Technical Advice Note 23: Economic Development.

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

This application seeks full planning permission for the installation of a telecommunications mast and associated ground based equipment cabinets at Mill Farm, Glyncoch.

Whilst it is acknowledged the application site is located outside of settlement limits, it is located relatively close to a number of settlements and has suitable access. Further, there are no residential properties in the immediate vicinity of the site and the plot is not readily visible from the nearest properties. The application site is therefore considered an appropriate location for this type of development.

Additionally, the amount and scale of the proposed mast and associated cabinets are confined to what is operationally required to implement the latest 4G telecommunications network in the area. It is also considered the proposed equipment forms the most appropriate form of apparatus for this rural area and that the apparatus has been designed in manner that will ensure it takes up the minimum amount of space possible, having the least possible impact upon the surrounding locality.

It is also noted that the installation would improve telecommunications provisions within the surrounding locality in line with national planning policy and would be utilised by two major providers to reduce the number of masts required in the area.

Subsequently the proposed development is considered acceptable, in principle, subject to an assessment of the criteria identified below.

Visual Impact

Given the nature of the proposed development, a 25m high lattice mast and associated equipment cabinets and fencing, the resulting structures will inevitably form visible and prominent features in the immediate locality. However, the structures would be sited adjacent to a band of mature trees along the field boundary, many of which are estimated to be of at least a comparable height to that of the mast, which will help to reduce its impact. Additionally the field is enclosed on all sides by further mature trees which will go some way to screening the development from sight and it is noted the proposed lattice mast comprises a singular structure which is uniform in design so as to absorb some of the visual impact.

Further, the general design and appearance of the additions are considered acceptable and typical of the design of more modern telecommunications masts that are commonly found throughout the Borough. It is therefore considered the proposed development would not result in overly obtrusive or noticeable features being introduced in to the area and the siting and appearance of the proposed works are therefore considered acceptable and raise no adverse visual amenity concerns.

Impact on residential amenity/public health

The application site is located off a country lane between the settlements of Glyncoch and Abercynon. As such there are no immediate neighbouring properties, other than the adjacent sewerage works, with the nearest residential properties being located over 100m away. Therefore given the nature of the proposed development and the separation distances between the site and the nearest dwellings, it is not considered that the introduction of a mast in this location would impact upon the amenity or privacy standards currently enjoyed by local residents.

It is acknowledged however that there are a number of concerns attached to these types of development in respect of public health and the emissions given off by such apparatus. Therefore, as with all telecommunications equipment applications, the applicant has certified that the proposed apparatus complies with the requirements of the radio frequency public exposure guidelines of the ICNIRP covering exposure to RF radiation, which set levels of exposure at about 5 times less than those established by the National Radiation Protection Board (NRPB). These are the guidelines which have been incorporated into a European Council recommendation in 1999. Further, both the UK and Welsh Government have indicated that they accept the precautionary approach advised by the Independent Expert Group on Mobile Phones (IEGMP) that requires emissions from mobile phone base stations to meet the ICNIRP guidelines.

In light of the supporting information submitted with the application, it is not considered that the proposed apparatus would have an undue impact upon the health and safety of surrounding residents. It is also noted that following the statutory consultation process, the Council's Public Health and Protection Section

have no objection to the scheme and no representations have been received from the occupiers of the nearest properties.

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

Highway safety

No objections have been received or conditions suggested from the Council's Transportation Section following consultation. It was commented that the erection of the proposed mast and associated cabinets would have no adverse impact upon pedestrian or highway safety in the vicinity of the site. Consequently the scheme raises no highway safety concerns.

Trees/Ecology

As the application site is surrounded by mature trees and is largely covered by vegetation, relevant tree surveys and site clearance method reports have been submitted with the application. The documents detail that no mature trees along the boundaries of the field would be removed as part of the development and therefore the field would remain enclosed on all sides. However it was noted that a significant amount of vegetation within the site would need to be removed, including some invasive species. Both the Council's Ecologist and Arboricultural Officer have assessed the relevant reports/plans and have commented that the documents and method of site clearance are acceptable and appropriate. As such it is not considered the development would have any undue impact upon the ecology/trees in the vicinity.

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 to 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 instead.

Other Issues

It is noted that the field access at the south-western corner of the field is located in close proximity of National Cycle Network Path 47 and as such there is potential for the path to be blocked during development. In light of this issue the applicant has submitted a construction method statement with the application detailing that the cycle path would not be obstructed at any time and would be kept open throughout and following development. As such no concerns have been raised by the Council's Public Rights of Way Officer.

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

Whilst it is acknowledged the new equipment would inevitably form visible features in the immediate locality, the general design and appearance of the additions are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough.

It is also noted that the development would comply with the relevant requirements of the ICNIRP published guidelines as expressed in the EU Council recommendation of 1999 which cover the exposure of the general public to electromagnetic fields. As such it is not considered there would be any undue impact upon the amenity or health and safety of local residents.

In light of the above, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: Grant

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

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

- 2. The development hereby approved shall be carried out in accordance with the approved plans ref. 100, 200, 300 and documents received by the Local Planning Authority on 27/07/17, 28/07/17, 02/08/17, 04/10/17 and 25/10/17 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.

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APPLICATION NO: 17/1058/15 (HL)
APPLICANT: Mr Okros

DEVELOPMENT: Variation of condition 1 of previously approved planning application 12/0468/10 (Conversion of former public house into 9 self contained flats. Granted 30/10/2012) for an extension of time for a further 2 years.

LOCATION: **ABERAMAN HOTEL PUBLIC HOUSE, JUBILEE ROAD, ABERAMAN, ABERDARE, CF44 6EP**

DATE REGISTERED: **02/10/2017**

ELECTORAL DIVISION: **Aberaman North**

RECOMMENDATION: Approve

REASONS FOR RECOMMENDATION:

The application seeks to renew a previously approved consent for the conversion of a former Aberaman Hotel public house to nine flats. The proposed development is compliant with planning policy with no material change of circumstances since the determination of application 12/0468/10. The proposal would retain a prominent building that makes a valuable contribution to the street scene and would contribute to addressing the Council's housing supply shortage.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been the subject of public objection and as a result is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

The application seeks consent via Section 73 of the Town and Country Planning Act 1990 to vary condition 1 of planning permission 12/0468/10 to extend the implementation date of the consent for a further two years (up until the 30th October 2019). Planning permission 12/0468/10 granted consent for the conversion of the former public house into nine self contained flats.

Condition 1 specifies the following:

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.

The approved development comprises the provision of nine flats - eight No. one bedroom units and one No. two bedroom flat. The works of conversion involve

minimal alterations to the exterior of the building, including two new sets of steps for fire escape purposes and the replacement and unblocking where necessary of existing windows and doors. Repairs are proposed to the roof to replace broken and missing slates. Nine parking spaces are proposed. Two are to be located in the raised area to the north-west (side) of the building, accessed from Jubilee Road, and seven are to be located in the lower rear yard area, accessed from Margaret Street.

SITE APPRAISAL

The disused Aberaman Hotel (which was last used as a public house) is located in a residential area of predominantly traditional terraced houses. It is a traditional hotel building, probably built at a similar time to the rest of the surrounding residential area. The building has four floors, including the cellar and accommodation in the roof, although it is split level, with the building being higher at the front than at the rear. It is constructed from Pennant stone, but with red brick window detailing, banding and quoins. The window openings are mainly arched. There are also three dormers in the front elevation of the building. There is a raised outdoor area to the north of the site at the same level as the front of the building, and a rear yard area which is at the lower cellar level.

PLANNING HISTORY

The relevant planning history in respect of this site is as follows:

15/1561	Change of use from public house (A3) to 1 No. 4 bedroom house and 2 No 3. bedroom houses (C3)	Granted 19/02/16
12/0468	Convert former public House into 9 self contained flats	Granted 30/10/12
07/1268	Demolish existing public house and erect 6 no. houses.	Granted 20/02/08
07/0449	Demolition of existing public house and erection of 7 dwellings.	Withdrawn 24/04/07
81/0302	Proposed removal of condition no. 3 to planning consent 77/504.	Granted 13/05/81
81/0161	Change of front elevation.	Granted 15/04/81
77/0504	Change of use to public house.	Granted conditionally 06/09/77

76/0105	Light industrial use.	Granted conditionally 23/06/76
13129	Change of use from offices to self-contained flats.	Granted Conditionally 07/03/72
12780	Change of use from offices to self-contained flats.	Refused 07/03/72

PUBLICITY

The application has been advertised by direct neighbour notification and the erection of site notices. A petition of 65 signatures (from 45 households) has also been received. The objections raised are summarised as follows:

Material considerations

- Increased parking requirements in an already overcrowded area;
- Increased overlooking and noise generation having a detrimental impact on existing residential amenity.

Non material

- Concerns regarding antisocial behaviour from those who may be living in the flats.

CONSULTATION

Transportation Section - there has been no material change affecting the proposed development and as such the proposed variation of Condition 1 is acceptable subject to reimposition of the previous highway conditions.

Public Health and Protection - no objections raised, subject to a condition relating to demolition, hours of operation, noise, dust and waste.

South Wales Fire and Rescue Service - no comments received.

Countryside, Landscape and Ecology - no comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out the strategy for the northern area of the County Borough with an emphasis on sustainable growth.

Policy AW1 Identifies how the housing requirement figure will be met including through the allocations in the Local Development Plan

Policy AW5 - sets out criteria for new development

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

Policy NSA12 - gives criteria for housing development within and adjacent to settlement boundaries.

Policy NSA13 - gives criteria for the rehabilitation and conversion of large buildings.

The following Supplementary Planning Guidance documents are also applicable,-

- Access, Circulation and Parking;
- Planning Obligations;
- Design and Placemaking;
- Affordable Housing; and

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 (Edition 9, November 2016) Chapter 2 (Local Development Plans); Chapter 3 (Making and Enforcing Planning Decisions); Chapter 4 (Planning for Sustainability); Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

PLANNING CONSIDERATIONS

As detailed above, the application seeks consent via Section 73 of the Town and Country Planning Act 1990 to vary condition 1 (time limit to implement the consent) of planning permission 12/0468/10 which was granted on the 30th October 2012. The key considerations with regard to the application are therefore whether the proposal is acceptable in respect of planning policy; highway safety and its impacts on the residential amenity of those living closest to the site.

Principle of development

Policy NSA13 advises that the conversion of large buildings to residential uses within the settlement boundary will be acceptable providing the building is of historic or architectural importance or is prominent and makes a valuable contribution to the townscape of the settlement, and there is no economically viable alternative use for the building.

The building is an attractive and prominent part of the street scene, as a result of its relatively large scale, corner location, architecture and external materials. It is understood that the building has now been unoccupied for approximately 10 years and prior to the submission of application 12/0468/10, had been marketed for both commercial and residential use. Given the period of time for which the building has been vacant, its deteriorating physical condition and the now extensive planning history for conversion to residential use or demolition to facilitate the development of new dwellings, it is considered that the building will not be used as a public house or hotel again in the foreseeable future. It is considered that the conversion of the building to provide nine smaller units (relative to the extant consent to convert the building provide 3 dwellings - within the building - application 15/1561/10 refers) would create a viable development that would have a beneficial impact of the vitality and viability of the area, relative to the buildings continued vacancy. The application is therefore considered compliant with the policies AW5, AW6 and NSA13 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

In respect of the impacts on traffic and parking, one off-street space has been provided for each proposed flat. This level of provision is considered satisfactory given that the flats are smaller properties and the site is on a bus route and a short walk from local shops. Following consultation the Transportation Section have raised no objection to the application subject to the conditions imposed on the original application being reapplied. It is acknowledged that there is a high demand for on street parking in this area, however, it is considered that the development would not significantly increase the demand for such parking and or traffic in the locality. The application is considered compliant with the requirements of policies AW5 of the Rhondda Cynon Taf Local Development Plan.

Neighbouring amenity

With regard to neighbour amenity, it is noted that some windows will serve habitable rooms where they did not before when the building was in use as a public house/hotel, some at a distance of less than 21 metres from surrounding properties. However, it is considered that the arrangement of rooms proposed will not have a significantly greater impact on privacy than the previous use, particularly given that no additional window openings are proposed. There is the potential for residents to sit on the proposed fire escapes, however, as in the case of the application 12/0468/10, it is considered that any impact in respect of privacy can be mitigated through the provision of screening secured by way of an appropriately worded condition.

As part of the public consultation, concerns have been raised with regard to the potential antisocial behaviour generated by occupants of the flats and the impact this would have upon the residential amenity of those living closest to the site. Whilst crime, the fear of crime and potential antisocial behaviour are material considerations in the determination of a planning application, it is considered that the development has been designed to reduce opportunities for such activities without compromising on the usability of the units by legitimate occupants. Issues relating to such behaviour can be, and are more appropriately dealt with and controlled by other legislation.

Subject to the imposition of condition, the application is considered compliant with the relevant criteria of policies AW5 of the Rhondda Cynon Taf Local Development Plan

Other matters

Ecology

During the determination of the previous applications for the site, the Council's Ecologist concluded that no further bat surveys of the building were required and that the trees and shrubs to the rear of the site were shown to have low or very low potential as a bat roost.

Public Health Section Comments

Following consultation, the Council's Public Health and Protection Team have raised no objection to the application, subject to the imposition of conditions relating to demolition, hours of operation, noise, dust and waste. Whilst the comments raised are appreciated, the development is the conversion of an existing building and works would be mainly associated to the inside of the building. It is therefore considered that matters relating demolition, noise, dust and waste could be more efficiently controlled by other legislation. However, given the proximity of the site to numerous residential properties, the imposition of a condition limiting the hours of operation is considered necessary in the interests of protecting the amenity of those living closest to the site.

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

As outlined above the application is considered to comply with the relevant policies of the Local Development Plan representing as it does the acceptable conversion of a currently vacant building to residential use within the settlement limits of Aberaman. The proposal is considered acceptable in all other key areas such as its impacts on the highway network and neighbouring amenity and Members are consequently recommended to approve the proposal subject to conditions.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of 30th October 2019.

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) received by the Local Planning Authority on 6th September 2012 and 10th October 2012, 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. Construction works on the development shall not take place other than during the following times:
 - i) Monday to Friday 0800 to 1800 hours;
 - ii) Saturday 0800 to 1300 hours;
 - iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The development shall not be brought into use until space has been laid out within the site for 9 vehicles to be parked in accordance with the approved plans. The parking spaces shall be retained for the parking of vehicles thereafter unless agreed in writing by the Local Planning Authority.

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

5. Prior to the development being brought into use, a vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development on site commencing.

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

6. 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, and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the drainage works have been completed 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.

8. Notwithstanding the submitted details no development shall take place until details of the replacement windows and doors and the materials proposed for blocking up the door on the corner have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed

development will be in keeping with the character of the area and existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, building operations shall not be commenced until samples of the replacement slates 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.

10. No development shall take place until details of the proposed new external steps have been submitted to and approved in writing by the Local Planning Authority. The details shall include screening to ensure the privacy of surrounding neighbours. The steps shall be installed in accordance with the approved details.

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

11. No works shall commence on site until a structural appraisal of the existing retaining walls on the site and its boundary has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include any remediation works required if existing retaining walls are found to be inadequate for incorporation onto the development. All works shall be carried out in accordance with the approved details, prior to the first occupation of the development hereby approved.

Reason: In the interests of public safety and in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

13. The development for which permission is hereby granted shall not be commenced until details of the surfacing materials proposed to be used on any external areas of the site have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the works have been completed in accordance with the approved details.

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

14. Prior to the commencement of development, a scheme to prevent on-street parking in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation.

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

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APPLICATION NO: 17/1097/13 (HL)
APPLICANT: I Griffiths and P Birch
DEVELOPMENT: Proposed Development of Fourteen Dwellings including access and parking.
LOCATION: V GRIFFITHS AND SON ROOFING LTD, JONES STREET, CILFYNYDD, PONTYPRIDD, CF37 4NN
DATE REGISTERED: 09/10/2017
ELECTORAL DIVISION: Cilfynydd

RECOMMENDATION: Approve, subject to conditions and a Section 106 Agreement

REASONS FOR RECOMMENDATION:

The proposed development presents an opportunity to provide new housing on a brownfield site adjoining the settlement boundary of Cilfynydd and would make a contribution to addressing the Council's housing land supply shortage. It is also considered that the proposal represents a more neighbourly form of development within an established residential area, in comparison to the existing sui generis use which could be intensified in its level of commercial activity without the need for planning permission. The proposed development is compliant with planning policy and is acceptable

with regard to all other material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been the subject of public objection and as a result is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

Outline planning permission is sought for residential development on the buildings and land currently occupied by a builders and roofing merchants (V Griffiths and Son Roofing Ltd), to the rear of Jones Street, Cilfynydd. The application is made in outline with all matters reserved for future consideration.

In accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, information regarding the position of the buildings, routes, open spaces, height, width and length of each building and points of access have been submitted along with an indicative site layout plan.

The indicative details show the development of 7 pairs of semi detached dwellings (14 dwellings in total) predominantly overlooking a central cul-de-sac highway. As part of the Design and Access Statement each dwelling is indicated as being 5m wide, 8.2m deep with a ridge height of 8.9m falling to 4.9m at eaves level. Access to the development would be gained via the existing entrance in the western boundary of the site, which adjoins with the adopted, unclassified and unnamed highway that in turn leads from the A4054 (Cilfynydd Road) to the west.

The application is accompanied by the following:

- Design and Access Statement;
- Internal Photographic Survey;
- Pre-Application Consultation report;
- Geo technical and Coal Mining Risk Assessment and
- Available industrial units summary report.

SITE APPRAISAL

The application site comprises a roughly rectangular shaped level parcel of land with an area of approximately 0.34ha. The site is positioned to the north (rear) of the residential properties in Jones Street; to the east (rear) of the residential and commercial properties adjacent to the A4054 Cilfynydd Road and to the south (rear) of the residential properties and the Scout Hall on Park Place. The land to the east (outside of the site) is a former, dismantled railway and an area of woodland. The vacant land to the north-east of the site, accessed from Park Place (which is also in

the applicant's ownership) benefits from an extant consent for the development of 4 detached residential properties (application 14/0289/10 refers). The area surrounding the site is predominantly residential with some commercial buildings interspersed.

The application site is predominantly used for open air storage in association with the building and roofer merchants. There are a small number of demountable; steel portal frame and brick construction industrial buildings, containing offices, warehousing and a carpentry workshop in the south-western corner of the site. The boundaries of the site are defined by vertical steel, palisade fencing. The ground level of some of the open air storage area appears to have been increased by approximately one metre following the installation of a gabion basket structure, adjacent to the southern boundary, and the subsequent levelling of the ground.

The area as a whole is located on a slope falling gently from east to west and south to north. As a result the site is slightly below the finished floor level of the residential properties in Jones Street and is raised relative to the properties adjacent to Cilfynydd Road and Park Place to the west and north. The area of the land to the north-east of the site which currently benefits from planning permission for the development of 4 detached dwellings is positioned approximately 2.2m below the level of the application site.

The builders and roofing merchants has been in operation for approximately 40 years and is currently open 07:30-16:00 Monday to Friday and 07:30 to 11:30 on a Saturday.

PLANNING HISTORY

There is no planning history for the site.

PUBLICITY

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. Four letters of objection have been received and is summarised as follows:

Material planning considerations

- The land has not been identified for housing on the Local Development Plan.
- The windows in the rear elevations and height of the proposed houses will create overlooking and will have a negative impact on the privacy of our gardens and home.
- Concerns regarding the number of units proposed in association with the size and scale of the proposed dwellings.

- Large properties to the rear of the properties in Jones Street will generate increased overshadowing and loss of light which in turn will have a detrimental impact on living standards and health.
- The site has been built up with cages full of broken tiles and building waste making the site a lot higher than the adjacent houses.
- Concerns regarding the noise generated from families, cars and pets using the proposed development.

- Proposal will increase traffic in the area, to the detriment of safety.
- Cars must be made to use the main entrance and not the rear lane between the site and Jones Street.

- The land is unstable and unsuitable for development as is it situated on the original cutting and embankment for the colliery incline and has only been in-filled with colliery waste.
- Following the land reclamation scheme in the mid 1970's there was a presumption against housing development on the whole site.
- There is asbestos on site.
- The application is on land totally within the reclamation scheme. The natural drainage could be adversely affected by the development.
- There have been historical drainage problems experienced on the site.
- The drains in the area are unable to cope with the existing volume of sewerage.

- There are bats in the old bakery building on site

Non Material planning considerations

- Proposal will have a detrimental impact on property values in the area

CONSULTATION

Transportation Section - no objection subject to conditions

Dwr Cymru/ Welsh Water - no objection subject to condition. Advice provided regarding the location of apparatus.

Flood Risk Management – no objection subject to conditions relating to drainage.

Public Health and Protection Section – advice provided regarding demolition, hours of operation, noise, dust and waste. Conditions recommended with regard to land contamination and site investigations

Western Power Distribution – advice provided with regard to the location of apparatus

Countryside, Landscape and Ecology - as a result of their external materials, construction, design and use, the buildings on site appear to have very low potential for use as a bat roost. As such it would be unreasonable to require a bat survey.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The principal policies in the consideration of this application are as follows:

Policy CS2 emphasises sustainable development that benefits the whole plans area and focuses development within settlement boundaries.

Policy CS5 requires the provision of affordable housing.

Policy CS10 provides for the safeguarding of mineral resources.

Policy AW1 – defines the housing land supply, to be met by means that do not include land outside defined boundaries.

Policy AW2 - promotes development of non-allocated sites in sustainable locations, which are those within settlement boundaries (1), have good accessibility by a range of transport modes (3), have good access to key services and facilities (4), are not in a C2 flood risk zone (5), support the roles of settlements (6), and are well-related to utility provision (8).

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

Policy AW6 - gives design and placemaking criteria for new development

Policy AW11 - gives criteria for proposals for alternative uses of existing employment sites.

Policy AW14 - requires the protection of sandstone resources.

Policy SSA11 - sets a minimum density of 35 dph and gives criteria for lower densities.

Policy SSA12 - seeks 20% affordable housing provision.

Policy SSA13 - gives criteria for housing development within settlement boundaries. Supporting paragraph 6.160 states that development will not be permitted outside the defined settlement boundaries.

National Guidance

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

Planning Policy Wales (Edition 9, November 2016) Chapter 2 (Local Development Plans); Chapter 3 (Making and Enforcing Planning Decisions); Chapter 4 (Planning for Sustainability); Chapter 8 (Transport), Chapter 9 (Housing), sets 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 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application seeks outline planning permission for residential development of an existing industrial/ commercial site within Cilfynydd. The site is located outside of the settlement boundary and within a sandstone resource protection area as defined by the Rhondda Cynon Taf Local Development Plan. As such, the key considerations with regard to the determination of this application are: the principle of development; impact on the character and appearance of the surrounding area; impact on the residential amenities of neighbouring properties and highway safety.

Principle of development

As the application site lies outside of the settlement boundary of Cilfynydd, as defined by the proposals maps of the Rhondda Cynon Taf Local Development Plan, the proposal is considered to be a departure from policies CS2, AW1, AW2 and SSA 13 para 6.160 of the Local Development Plan (LDP). As a result it must be determined whether there are any material considerations that justify the grant of permission.

As of the 1st April 2017, the five year housing land supply for Rhondda Cynon Taf as required by Planning Policy Wales (Edition 9) 9.2.3 (PPW) and Technical Advice Note 1 (TAN 1) was only 1.3 years. Therefore the need to increase the housing supply carries considerable weight provided that the development would otherwise comply with development plans and national planning policies. In this case, although the proposal does not comply with the LDP in relation to settlement boundaries, it is appropriate to give this little weight as the site comprises previously developed, not greenfield, land. The preference for redevelopment of previously developed land for

housing is identified at paragraph 4.91 and 9.26 of PPW. Furthermore 90% of the application site boundary adjoins with existing and permitted development to the north, west and south. Visually and functionally, the application site forms part of the built-up area of Cilfynydd. As such, it is considered that new housing on the site would be well integrated with the existing settlement pattern and it serves no purpose to protect the area as if it were part of the open countryside.

Policy AW11 requires both marketing evidence for the existing employment use, unless the site is derelict so that development would have significant regeneration benefits, and an adequate land bank of employment land to be maintained. In this case, no marketing evidence has been submitted even though (and perhaps because) the site is still occupied and provides employment for four people. However, evidence is supplied identifying that a quarter of the small units at the nearby Albion Industrial Estate are vacant and that there are a range of other builders merchants in the Pontypridd area.

Whilst the site is identified as being within a sandstone resource protection area, it is considered that the resource is already constrained by the proximity of the dwellings surrounding the site. The potential volume of material under the site is also considered insignificant relative to the availability of the material in Rhondda Cynon Taf as a whole. As a result, policies to protect the mineral resource are considered to carry little weight in this instance.

In conclusion, with regard to the principle of development, the proposal would make a contribution to the housing supply; there are vacant industrial units available in close proximity to the site and other buildings merchants within Pontypridd.

However, it must be also identified that the site is outside the settlement boundary and the application lacks a marketing assessment to justify the loss of the employment land. On balance, it is considered that the principle of residential development on the site is acceptable.

Impact on the character and appearance of the area

Although the application is in outline with all matters reserved, in accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, an indicative site layout has been submitted showing the development of seven pairs of semi-detached dwellings (14 units in total) arranged around a central cul-de-sac highway accessed from the existing adopted highway to the west of the site. The height parameters specified within the design and access statement indicate that the buildings could have a ridge height of 8.9m and as such could be three storey in design with accommodation provided in the roof space.

Policy SSA11 identifies that proposals for residential development should seek to achieve a minimum density of 35 dwellings per hectare. The indicative site layout

plan shows the site has the capacity to accommodate 14 dwellings on an area of 0.34 hectares. This equates to a density of development of 41 dwellings per hectare, being mindful of the density of development closest to the site, it is considered that such a development would make efficient use of the land in keeping with the character and appearance of the area and is compliant with policy SSA11 of the Rhondda Cynon Taf Local Development Plan.

As specified above, and as identified by the members of the public, the levels on parts of the site have been increased by approximately 1m. The area of the site the subject of such an increase is unclear at this time. It is considered that the levels of the site as existing, in association with specified maximum height of the dwellings at 8.9m, could result in a development that may appear out of keeping with the locality. As such it is recommended that a condition be placed on any grant of consent requiring the finished floor levels of all properties to be submitted to and approved in writing as part of the reserved matters submission.

On the basis of the above it is considered that the site is of a size sufficient to accommodate a development of the scale and layout indicated, and dwellings could be designed for the site that would be capable of being sensitive to the context of the surroundings. The application is therefore considered compliant with the relevant requirements of policies AW1, AW2, AW5, AW6, and SSA11 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

Following consultation members of the public have expressed concerns that the development would cause increased overlooking and loss of privacy to neighbouring dwellings. Whilst this is a matter more appropriately considered at the reserved matters stage, the site layout plan submitted indicates that a minimum distance of 17.5m could be maintained between the southern elevation of the indicative dwellings and the northern (rear) elevations of the properties in Jones Street, with a minimum distance of approximately 10m being maintained between the southern (rear) elevations of the properties in Park Place and the proposed dwellings. The provision and maintenance of such distances, particularly with regard to the properties in Park Place would raise concerns with regard to the impact on the privacy and amenity. However, being mindful that this is an outline application with all matters reserved for future consideration, it is considered that dwellings and suitable boundary treatments could be designed, positioned and provided on the site to minimise the impact on the residential amenity of those living closest to the site.

On the whole, it is considered that the site is capable of accommodating a residential development without unduly encroaching and compromising the privacy and amenity of neighbours. Whilst concerns have been raised with regards to the noise generated by the activities of potential residents of the site, in comparison to the existing established use as a builders and roofing merchants (*sui generis*) with associated storage and distribution and the potential intensification of such a use that could be

undertaken without the need to apply for planning permission, it is considered that the a residential development on the site would be more neighbourly in its overall impact.

On the basis of the above the application is considered compliant with the requirements of policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

Highway Safety

Following consultation, the Transportation Section have raised no objection to the application subject to conditions. As specified above, access to the development would be gained via the existing entrance in the western boundary of the site, which adjoins with the adopted, unclassified and unnamed highway that in turn leads from the A4054 (Cilfynydd Road) to the west. The unnamed highway has a carriageway width of 6.2m, with a 2.2m foot-way on the south side and a 1.0m foot-way on the north side. A number of conditions with regard to provision of a uncontrolled pedestrian crossing at the junction with Cilfynydd Road; and the submission of detailed design and priority junction markings and the internal highway layout and parking provision have been requested.

Whilst members of the public have raised concerns regarding increased levels of traffic, it is considered that the highway network has sufficient capacity to accommodate the traffic generated by the development and in line with the above consultation response, subject to conditions, an access and highway layout scheme could be designed for the site that would prevent any such development from being detrimental to the highway safety and free flow of pedestrian and vehicular traffic. Subject to conditions, the application is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Land contamination and drainage

As part of the public consultation process, members of the public have identified that the site is located on the original cutting and embankment for the colliery incline which was in-filled with colliery waste and was the subject of land reclamation works during the 1970s. Concerns have also been raised that works to the site would have a detrimental impact on natural and controlled drainage from the site and area as a whole.

Whilst the site, and parts of the Cilfynydd area as a whole, are listed in the Coal Authority's Abandoned Mines Catalogue; The South Wales Surface Coal Resource Area and within the South Wales Coal Mining Reporting Area, the site specifically, is located within a low risk development area as defined by the Coal Authority. as a result the application does not need to be supported by a Coal Mining Risk Assessment.

Following consultation, the Council's Public Health and Protection Team have advised that a commercial/ industrial garage, dismantled tramway and Albion Lower Tip formerly occupied the application site. Natural Resources Wales have advised that the site is of moderate sensitivity (within 50m of a surface watercourse Nant Cae-Dudwg 40m to the north of site and minor watercourses in the east of the site). However, no objection is raised to the granting of planning permission subject to a number of conditions being imposed requiring the submission of a full Site Investigation and Validation report prior to the commencement of development, to identify, evaluate and characterise the nature, sources, extent, implications and remediation of any contamination found on site.

Following consultation with the Authority's Flood Risk Management Team and Dwr Cymru/ Welsh Water no objections have been raised to the development subject to the imposition of conditions requiring the submission of full drainage details prior to the commencement of development. On the basis of the consultation responses received the application is considered compliant with policies AW10 of the Rhondda Cynon Taf Local Development Plan.

Flood Risk

The junction of the A4054 Cilfynydd Road and the adopted highway that provides access to the site, falls within the C2 Flood Zone as defined by the Development Advice Maps (DAM) of Technical Advice Note 15, Development and Flood Risk (2004). This area is outside of the application site. No part of the development site is within the C2 flood zone. However, in the event of the a flood a secondary means of escape from the site could be gained via the rear lane to the north and west of Jones Street.

Ecology

As part of the public consultation, concerns have been raised that the existing buildings on site are used by bats. Following the submission of internal photographic survey of the buildings, the Council's Ecologist has advised that the external materials, construction, design and use of the buildings, mean that they have a very low potential to be used as a roost and as has not requested the submission of a bat survey.

Affordable housing

Policy SSA12 of the LDP requires the provision of 20% affordable housing on development sites capable of providing five or more units. Based on the indicative provision, the developer would be required to provide 3 units of affordable housing. Following consultation the developer has confirmed that they are willing to enter into a Section 106 legal agreements to secure and retain such provision. The application is therefore considered compliant with the requirements of policies CS2, CS5 and SSA12 of the Rhondda Cynon Taf Local Development Plan.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

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

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

In this case the developer will be required to enter into a Section 106 agreement to provide:

1. 20% affordable housing on the site.

It is considered that this requirement meets all of the above tests and is compliant with relevant legislation.

Conclusion

In light of the above, it is considered that the principle of residential development of site is acceptable and that development of the site for residential purposes would be

compatible with surrounding land uses. It is also considered that subject to conditions, a scheme could be designed for the site that would not have a detrimental impact on the character and appearance of the area, the residential amenity of the on those living closest to the site or the highway safety and free flow of traffic in the area.

On the basis of the above the application is considered compliant with the relevant policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to conditions.

RECOMMENDATION: Grant

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

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

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) site location plan received on the 9th October 2017 and documents: Design and Access Statement; and Geo technical and Coal Mining Risk Assessment received by the Local Planning Authority on the 9th and 10th October 2017, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.
- A desk-top study carried out by a competent person to identify and evaluate all previous uses, all potential contaminants associated with those uses and the sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 - A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
 - A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

4. The development hereby permitted shall not be occupied until the measures approved in the scheme (referred to in Condition 3 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved plan to demonstrate that the site remediation criteria been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the validation report. Any validation report shall be carried out by a competent person.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan

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

then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. On completion of the monitoring programme a final report demonstrating that all long term remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of development, details of the completed levels of the site and finished floor levels of all dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and the residential amenity of those living closest to the site, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. 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.

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

10. Notwithstanding the submitted plans, no works shall commence on site until full engineering design and details of the tie in with the proposed access road with the existing highway and the lane to the west of plot 5 as shown on drawing 938/1000, the internal road layout, street lighting, any retaining structures and surface water drainage including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

11. An un-controlled pedestrian crossing point shall be provided at the junction with Cilfynydd Road (A4054) and the existing unnamed highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: To assist pedestrian movement for able and less able bodied pedestrians in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

g) the sheeting of lorries leaving the site.

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

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

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APPLICATION NO: 17/1179/10 (JE)
APPLICANT: Mr Dean Webber
DEVELOPMENT: Double extension to rear of property.
LOCATION: 52 MAESTEG CRESCENT, TONTEG, PONTYPRIDD,
CF38 1PE
DATE REGISTERED: 27/10/2017
ELECTORAL DIVISION: Tonteg

RECOMMENDATION: Approve

REASONS:

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

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported to committee as the applicant is immediately related to a serving Councillor.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two storey rear extension at 52 Maesteg Crescent, Tonteg, Pontypridd, CF38 1PE. The proposed extension would measure a width of 6.2 metres covering the full width of the dwelling and would project outwards 4 metres. The proposed extension would have a dual pitched roof design with a gable end on the rear and would match the pitch of the dwelling on its left elevation. With the proposed extension measuring a maximum height of 6.7 metres sloping to 4.7 metres at the eaves. There are no proposed windows to the side elevation of the extension although an existing bathroom window at the property would be relocated to the side elevation of the dwelling. Other fenestration would be located on the rear elevation with two windows on the

first floor and a window and French doors accessing the amenity space on the ground floor.

The proposed extension would be constructed of materials to match the existing dwelling with a rendered exterior, grey concrete tile roof and white UPVC fenestration. With the proposed extension accommodating two bedrooms on the first floor, with a kitchen and utility room on the ground floor.

SITE APPRAISAL

The application property is a two storey semi detached dwelling located within a residential area of Tonteg. Although the property is set back from the highway at Maesteg Gardens the property is located on Maesteg Crescent. To the front of the property there is a amenity space which is currently used as a hard standing for off street parking. To the rear of the property there is an enclosed amenity space bounded on all sides by neighbouring dwellings. The property its attached on its right elevation and is separated from the neighbouring property on its left elevation by 11.6 metres with the property at an oblique angle.

Neighbouring properties are all semi detached dwellings of a similar scale and design to the application. There are examples of two and single storey extensions visible to the rear of neighbouring properties.

PLANNING HISTORY

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

PUBLICITY

The application has been advertised by direct notification to 5 neighbouring properties.

1 letter of objection has been received from the occupier of a neighbouring property, The comments raised have been summarised below:

- Extension is unsuitable for the area.
- Overbearing and Overshadowing.
- Loss of Light.
- Disturbance caused by the development.
- Reduction in property value.

CONSULTATION

The nature and detail of the application meant that no specific consultations were necessary.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Tonteg and is not allocated for a specific purpose.

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

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

Supplementary Planning Guidance

- Design and Place making
- A Design Guide for Householder Development

National Guidance

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

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

Other policy guidance considered:

PPW Technical Advice Note 12 - Design

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to an extension to an existing residential dwelling. The principle of development is therefore acceptable subject to the criteria set out 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 the proposed extension located to the rear of the property and its maximum height no greater than that of the dwelling, it will have no impact on the principal elevation of the property. Although it is acknowledged the proposed extension would be visible from the highway at Maesteg Gardens. With the proposed development matching the roof pitch of the dwelling and being finished in materials to match that of the host property which will further ensure that it would not form an overly prominent feature in the immediate vicinity.

The objector has raised concerns on the suitability and the impact of the proposed extension on the area as a whole. It is noted that there are existing examples of similar extensions visible to the rear of neighbouring properties in the locality. It is not considered the proposed extension would be unsuitable for the area and will not significantly impact upon its character and appearance.

Impact on residential amenity and privacy

It is not considered that the proposed extension would exacerbate any existing opportunities for overlooking that is already possible from the first floor windows. In fact it is possible that the side elevations of the development would provide neighbours with a greater degree of privacy and that less of their property could be overlooked than at present.

Considering the attached property on the right elevation, no.50 Maesteg Crescent, the side elevation of the proposed extension would have some prominence from the house and garden, but this would not be to a height or depth that would be considered to cause an unacceptable degree of detriment to outlook and the height to the eaves at 4.7 metres, is considered relatively modest.

With the proposed extension located to the north of the adjacent property 50 Maesteg Crescent there would be no overshadowing impact on this property. Also as the neighbouring dwelling on the left elevation separating 11.6 metres any overbearing impact on this elevation would be minimal.

The letter of objection raised comments regarding the loss of light associated with the proposed extension. Whilst it is acknowledged that there will be a degree of impact it is not considered that this is of a level that would be significant.

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

Other Issues

Comments were raised from the objector regarding disturbance and damage to the neighbouring property. With the objector concerned that access would be required through their property during the construction period. This is a civil matter between neighbours with the objector having the right to restrict access over their property.

Also raised within the letter of objection were concerns regarding the disruption and disturbance during the construction period. It is considered that any disturbance caused by the proposed development regarding noise, dust and hours of work can be more efficiently controlled by other legislation and an appropriate informative note can be added to this effect.

While the concern of the objector is recognised, the impact of development on their property value is not a material planning consideration.

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 Policies AW5 and AW6 of the Local Development Plan.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan Proposed extensions to 52 Maesteg Crescent, Tonteg and documents received by the Local Planning Authority on 27/10/17, 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.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

7 DECEMBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 494758)**

See Relevant Application File