

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
4 JANUARY 2018**

**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 - 16/0405 - Refurbishment of existing premises to create 2no. retail units and 2no one bedroom flats along with a new access stairwell and improved parking facilities to the side of the premises (Amended description) (Amended plans received 30/08/17.), Southgate English & Chinese Takeaway, 3 Cardiff Road, Llantrisant, Pontyclun.
2. Application - 16/0994 - Change of use of land to car park for staff parking and storage of sales vehicles in association with adjacent Trade Centre Wales car showroom site, including retention of new access off A4054, bus shelter and security fencing and replacement security flood lighting scheme (retrospective), The Field Site, Cilfynydd Road, Abercynon, Mountain Ash.
3. Application - 16/0997 - Retention of existing site levels and valet structures and replacement security flood lighting scheme (retrospective) (Lighting Impact Assessment Report received 29/06/17), Trade Centre Wales, Cilfynydd Road, Abercynon, Mountain Ash.
4. Application - 16/1051 - Retention of advertisements located throughout site (23 no. signs on building, 45 no. lighting column signs, 9 no. flagpole signs, 1 no. freestanding sign at site entrance, 1 no. entrance archway) (retrospective), Trade Centre Wales, Cilfynydd Road, Abercynon, Mountain Ash.

5. Application - 17/0365 - Application for Approval of Reserved Matters to construct 17 no. dwellings, land at Brynna Woods, adjoining Brynna Road, Brynna, Llanharan.
6. Application - 17/1059 - Application for the erection of Class B1/B2/B8 units and associated parking and servicing. (Flood Consequences Assessment received 16/11/17), Unit 12, Hepworth Business Park, Talbot Green, Pontyclun.
7. Application - 17/1147 - Variation of Condition 2 of planning permission 15/1057 - Erection of 8 affordable residential flats, car parking, landscaping and associated works - land off Forge Lane, Pentre, Land at Forge Lane, Pentre.
8. Application - 17/1154 - Extra Care Housing incorporating 40 new extra care apartments, communal facilities, landscaping and parking provision, 27 Club Street, Aberaman, Aberdare.
9. Application - 17/1168 - Change of Use - A1 to A3. We are proposing to develop the property into a freehouse micro-pub and bottle-shop. Minor changes to the exterior of the premises to include a painted sign and semi-frosted glass. Internally, the only changes will be the addition of a bar and display to the rear, seating, decoration and additional display shelving/fridges, 30c Cowbridge Road, Pontyclun.
10. Application - 17/1201 - Change of use of dwelling house (Class C3) to HMO (Class C4), 53 Kingsland Terrace, Treforest, Pontypridd.
11. Application - 17/1240 - Proposed erection of 6 no. floodlighting columns and associated works. (The relocation and resurfacing of existing sports pitch, resurfacing of existing emergency access track, replacement of existing fencing and associated drainage infrastructure works are to be commenced under the Permitted Development Order but are included in this application for completeness) Ferndale Community School, Excelsior Terrace, Maerdy, Ferndale.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 16/0405/10 (GD)
APPLICANT: Mr & Mrs E Keung
DEVELOPMENT: Refurbishment of existing premises to create 2no. retail units and 2no one bedroom flats along with a new access stairwell and improved parking facilities to the side of the premises (Amended description) (Amended plans received 30/08/17.)
LOCATION: **SOUTHGATE ENGLISH & CHINESE TAKEAWAY, 3 CARDIFF ROAD, LLANTRISANT, PONTYCLUN, CF72 8DG**
DATE REGISTERED: 10/10/2017
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is considered acceptable and the building and its associated curtilage is considered sufficiently spacious to accommodate the changes proposed. Furthermore, the proposed development would bring into better use a currently under used facility.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

The application seeks planning permission for the sub division of the existing shop and three bedroom flat into two retail units and two 1 bedroom flats and the construction of an external stairwell to serve the flats. The proposal would involve the installation of two new shop fronts to serve the proposed retail units on the east facing Cardiff Road elevation. The stairwell will be of galvanised steel open frame construction located within the recess of the L-shaped building at the rear of the property. The existing flue will be relocated westwards within the same recess to facilitate the proposed access stairs. A refuse compound to serve the retail units will be provided within the curtilage to the south of the main building adjacent to the rear lane that serves the properties at Heol Pen Y Parc.

Nine new car parking spaces will be provided to the north of the building accessed from Tir Meibion Lane at a level approximately 1m lower than the building. Additionally, two parking spaces to serve the flats will be provided within the curtilage accessed from the rear lane serving Heol Pen Y Parc.

SITE APPRAISAL

The application site is comprised in the building and curtilage of 3 Cardiff Road Southgate. The site is relatively flat though the building sits a little higher than the Tir Meibion Lane Boundary. The wider area is largely residential in character, though with convenience shops the sports centre and bowls club all located nearby.

PLANNING HISTORY

None.

PUBLICITY

The proposal has been advertised by means of site notice and neighbour notification letters on three occasions. Three letters of objection were received in respect of the initial application and a further letter of objection has been received in respect of the initial revisions a further letter of objection has been received in respect of the latest iteration of the revised proposals.

Objections have raised the following issues: –

- The removal of trees on the southern boundary of the site would reduce privacy and would be detrimental to the wildlife and the character of the area.
- The location of the refuse store will have an adverse impact on adjacent gardens and drive ways through smell and flies.
- Traffic in the area is heavy and this proposal will add to the congestion.
- Access for parking of 11 cars from the rear lane to the south of the site would present an inconvenience a threat of danger to pedestrians. Additionally the lane becomes too narrow for cars about 20m in.
- The creation of the new access on the southern boundary would create congestion and the property would be better served with car parking only on the northern side of the property.
- The opening up of the southern boundary would lead to windows in the property overlooking established buildings.

- Claims that the property is not in use are untrue as the takeaway commenced trading again some months ago.
- The scale of development is out of character with the local area.
- There is no need or demand for additional retail units.
- Increased nuisance caused by more cars and more littering.
- The development would restrict light to adjacent property.

CONSULTATION

Highways – no objections subject to conditions.

Drainage – no objections subject to conditions.

Public Health and Protection – no objections subject to conditions.

Natural Resources Wales – no objections.

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

Western Power Distribution – no observations received.

Wales and West Utilities – no observations received.

South Wales Fire & Rescue Service – no observations received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

National Guidance

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

Planning Policy Wales

- Chapter 2 (Development Plans),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 7 (Economic Development),
- Chapter 8 (Transport),
- Chapter 9 (Housing),
- Chapter 10 (Planning for Retail and Town Centres),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

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

Other relevant policy guidance consulted:

- PPW Technical Advice Note 4: Retailing and Town Centres;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The main considerations in the determination of this proposal are the impact on the residential amenity of neighbouring properties, the effect on the visual amenity of the area and the effect on highway safety

Principle of the proposed development.

In terms of planning policy the site lies within settlement limits at a sustainable location close to other local services and a bus route. Consequently policy would prove supportive of the proposed development subject to the impacts of the proposed development being acceptable in terms of residential amenity, visual amenity and the effect on the highway system and in this policies AW5 and AW6 are key.

Impact on the character and appearance of the area

The current facility at this site has been subject of intermittent use in recent years and as such currently presents as a building and curtilage that is in need of maintenance and general improvement. The proposed development will refresh the appearance of the main building and introduce a coherent layout to the curtilage through the provision of parking facilities to serve the shop units accessed from Tir Meibion Lane to the north and private parking for the flats accessed from the rear lane to the south. The external staircase serving the two flats would not be readily visible from principal public views being located within a recess at the rear of the building, though it would be visible from the access lane south of the application curtilage. The proposed development has the potential to positively impact on the character and appearance of the area. As a result the proposals are considered acceptable in the context of the requirements of Local Development Plan Policies AW5 and AW6.

Impact on residential amenity and privacy

In terms of the impact of the proposed development on the amenity of adjoining properties it has to be kept in mind that though the application site lies within a predominantly residential area, it is also an area that possesses other commercial and recreational uses close by. It should also be noted that the current proposal only seeks the subdivision of the existing premises with no increase in the amount of commercial floor space provided. As such it is difficult to envisage that any increase in the level of noise or disturbance would occur over and above that which the building currently has the potential to generate. With regard to the impact on privacy to a large extent the same principle would apply. However, as some of the objectors have noted, the works will involve the creation of new access points and the removal

of trees both of which can impact on privacy and amenity. In this instance, though the orientation of the residential property to the south of the site makes the potential impacts of the changes acceptable in planning terms, particularly as the changes only involve the creation of one additional kitchen window in the south facing gable elevation at first floor level. The most affected property would be that at 1 Tir Meibion Lane where the relationship between the two buildings would be the same but the removal of planting at the boundary would have an effect this though would not prove sufficient reason in planning terms to reject the planning application. The provision of the external staircase does present the potential for the properties at Tir Meibion Lane and Heol Pen Y Parc to be overlooked, the impact of this is though limited and can be further ameliorated by a planning condition requiring screening of the staircase. The proposed development is therefore considered acceptable in terms of its impact on privacy and amenity and is in compliance with the requirements of Local Development Plan Policies AW5 and AW6 in this regard.

Access and highway safety

On the issue of access and highway safety, Members should first note that subject to conditions the Transportation Section have no objections to the proposed development proceeding. Some residents have raised the issue of congestion in the area and that allowing the development would make this situation worse, however no evidence is offered to support these claims and as there is no increase in overall floor space and an improvement in access and parking arrangements officers are of the view that this claim is entirely without foundation. The claim that 11no. car parking spaces will be provided from the south side of the building is wrong as this access will only be provided for the parking spaces serving the two proposed flats with the majority of car parking provision being serviced from the north of the site. Similarly, the application will have to be determined on the basis of the merit of the proposals submitted in respect of car parking arrangements and not on the basis of what some residents might prefer and in this regard the proposals are acceptable in the context of Local development Plan Policy AW5.

Other Issues:

The following additional issues have been taken into account in considering the application, though they are not the key determining factors in reaching the recommendation.

The proposal does not raise any wildlife considerations and residents making claims to the contrary have produced no evidence to support their position.

There has been some criticism of the proposed location of a bin store to serve the proposed development however, Members should note that it is located on a boundary with a lane and not on a boundary with any other residential property and in itself would represent an improvement over the existing situation which has no refuse storage area at all.

Over the course of dealing with this application the existing facility has operated intermittently and whether or not it is functioning at any point would not affect or influence the acceptability or otherwise of the current proposal in planning terms. Similarly the claim that there is no need for the proposed development is not a 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 liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development, however as the proposed development involves the change of use of the existing building the amount due in this case is £0.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of amenity, privacy, its impact on the character and appearance of the area and in terms of its impact on highway safety. The proposed development is also acceptable in terms of all other material planning considerations and as such a positive 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. The consent hereby granted relates to the following plans other than as they may be modified by other conditions of this consent.
 - The existing plan layouts drawing no.PL01 received 30th August 2017.
 - The existing north and west elevations drawing no. PL02 received 30th August 2017.
 - The existing east and south elevations drawing no.PL03 received 30th August 2017.

- The existing site layout drawing no. PL08 received 30th August 2017.
- Proposed ground floor plan drawing no. PL09 received 30th August 2017.
- Proposed first floor plan drawing no. PL10 received 30th August 2017.
- Proposed west elevation drawing no. PL11 received 30th August 2017.
- Proposed east elevation drawing no. PL13 received 30th August 2017.
- Proposed south elevation drawing no. PL14 received 30th August 2017.
- Proposed site layout drawing no. PL15 received 30th August 2017.

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

3. Prior to the A3 retail use, hereby permitted, commencing a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the integrity of the foul drainage system in accordance with policy AW10 of the Rhondda Cynon Taff Local Development Plan.

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

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

Plan.

6. 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.

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

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

8. Before the development is brought into use the means of access together with the parking and turning facilities shall be laid out in accordance with the submitted plan PL15 Rev A and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles thereafter for use of customers and residents.

Reason: In the interests of highway safety and to ensure that vehicles are parked off the highway and in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to the development being brought into use the existing vehicular cross over shall be reinstated in full footway construction and a new vehicular footway crossing provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

10. Prior to the development being brought into use, tie in details with the lane access 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 highway and pedestrian safety and in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Surface water runoff from the proposed development shall not discharge on to the public highway or be connected in any way to the highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

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

12. Prior to the commencement of development, details of a scheme for the screening of the external staircase shall be submitted to and approved in writing by the Local Planning Authority. The agreed screening details shall be fully implemented prior to the first occupation of the first floor flats hereby approved.

Reason: In the interest of residential amenity and in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0994/10 (MF)
APPLICANT:	MTR Bailey Trading Ltd
DEVELOPMENT:	Change of use of land to car park for staff parking and storage of sales vehicles in association with adjacent Trade Centre Wales car showroom site, including retention of new access off A4054, bus shelter and security fencing and replacement security flood lighting scheme (retrospective).
LOCATION:	THE FIELD SITE, CILFYNYDD ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4UQ
DATE REGISTERED:	19/12/2016
ELECTORAL DIVISION:	Abercynon

RECOMMENDATION: Approve

REASONS:

The change of use of the site to a car park area and all associated works are considered acceptable. Whilst it is accepted the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is

significant enough to warrant refusal of the application. It is however considered a number of the lights could be turned off when the main store is closed to improve the current visual impact and that this could be achieved by way of condition.

Additionally it is not considered the new access created on to the A4054 has a detrimental impact upon highway safety in the vicinity.

It is therefore considered the application complies with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Retrospective planning permission is sought for the change of use of an open field off the A4054 at Abercynon, to a car park area in association with the adjacent Trade Centre Wales car sales business. The applicant has detailed that the car park is used for the parking of staff vehicles and the storage of sales vehicles only. Staff are then transported to the main car sales site by minibus and sales vehicles are transferred to the main car sales site once space becomes available. No vehicles are sold from or are viewed by customers at this site and no customer parking is available.

The change of use has not involved any significant engineering works at the site with ground levels not being altered. The car park has been created by gravel being laid in areas across the site to form vehicles spaces and tarmac access roads laid between. 22 no. lighting columns have been erected throughout the site which now accommodate white Highway Crystal LED bulbs (blue bulbs were originally installed but have now been replaced). A bus shelter structure has also been erected at the entrance of the site for staff to wait to be collected and transferred to the main car sales site. The entire car park area has been enclosed with 2.1m high Weldmesh fencing.

A new vehicle access off the adjacent A4054 has been created at the south-eastern corner of the site. An automatic security barrier and 2.4m high security gates have been erected here.

All works at the site have now been completed and this application therefore seeks to retain the site as now developed. No further works are proposed as part of this application.

Members are advised that a number of development works and advertisements have been erected at the adjacent car sales site that do not benefit from planning permission/advertisement consent. These works are subject of separate applications, ref. 16/0997/10 and 16/1051/01, and do not form part of this submission.

SITE APPRAISAL

The application site forms a roughly rectangular plot of land, amounting to approximately 7000m², off the A4054 between the settlements of Abercynon and Cilfynydd. It was formally used as grazing land but has recently been subject to a number of development works (as detailed above) to convert it to staff/overflow car park in association with the neighbouring Trade Centre Wales car sales business (the subject of this application). At the time of the site visit all works associated with this application had been completed.

The plot is relatively level throughout and is bounded by grazing land to the south-west, the A4054 to the east and north, and the A470 to the west beyond which is a residential area of Abercynon approximately 100m away (Martin's Terrace). The car park is enclosed by mature trees along the northern, eastern and western boundaries. There are no immediate neighbouring properties however Ty Trevithick, a Council office building, is located approximately 90m to the north-east and a row of 3 no. terraced dwellings are located approximately 75m to south-west, beyond the adjoining grazing land. Access is gained off the A4054 at the south-eastern corner.

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. Thirteen letters of objection have been received from residents of Abercynon, making the following comments (summarised):

External lighting

- The external lighting installed at the site has a detrimental impact upon the amenities of the nearest residents. The lights shine directly in to the windows of the nearest residential properties resulting in nuisance and disturbance. Being on all night the lights stop surrounding residents having a view of the natural night sky. The lights cause a distraction to motorists on the adjacent highways. The lighting is having a detrimental impact upon wildlife in the area. The lighting is out of character with the surrounding area. These issues

are exacerbated in the winter months when surrounding trees shed their leaves.

- If the application is approved, the lights should be switched off during the night time.

Highway Safety

- The access to the site off the A4054 is not adequate. The current use results in significantly more traffic along this section of highway than that which previously occurred. The volume of traffic using the site has a detrimental impact upon highways safety in the area.

Other issues

- No drainage details have been submitted with the application. The Council's own drainage engineers have concerns in respect of this.
- Natural Resources Wales have concerns with the application in respect of contaminated land. The relevant information in this respect has not been provided.
- The application does not comply with the Well Being of Future Generations Act (Wales) 2015.
- The fact that the applicant advertises the site as 'Cardiff North' rather than 'Abercynon' shows a complete lack of respect for the local area and its residents.
- The development works at the site have resulted in the value of the nearest properties being reduced.

Members are also advised that the objectors have raised a number of concerns in respect of the development works and adverts erected at the neighbouring car sales site. As detailed above, these works are subject of separate applications and therefore the concerns raised by the objectors in these respects are detailed and considered within the relevant separate application reports.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Welsh Government Transport Division – no objection, subject to condition.

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

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

Countryside, Landscape and Ecology – no objection.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no objection.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside of the settlement boundary for Abercynon and is allocated as a potential park and ride/park and share location.

Policy CS1 – outlines how the emphasis on building strong, sustainable communities will be achieved 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 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.

Policy NSA21 – states that provision for park and ride/park and share facilities will be provided within the Borough, highlighting that the application site has the potential to be used as such.

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 10 (Retail and Commercial Development) 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 4: Retail and Commercial Development;
- 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 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

As detailed above, this application seeks retrospective planning permission for the retention of the staff/overflow car park created at the site which serves the neighbouring Trade Centre Wales car sales business. All works at the site have been completed and this application therefore seeks to retain the site as now developed, with no further works proposed.

With the above in mind, whilst the application site is located outside of settlement limits, it is sited in relatively close proximity to a number of established settlements and has adequate access from a number of major highways through the County Borough. Further, no major engineering works have been undertaken or structures erected and therefore it is not considered the character has been significantly altered. Additionally, the use of the site as a staff/overflow car park assists in the operation of a major employer within the County Borough which will benefit the economy of the County Borough as a whole. As such the site is considered a sustainable location and an appropriate and acceptable location for this use.

It is noted that the site is allocated as a potential area for a park and ride/park and share location under Policy NSA21, however, with no objections raised by the Council's Highways section and the fact that a similar facility has been implemented at the nearby Abercynon railway station since the production of the LDP, there is no policy objection in this respect.

The development is therefore acceptable, in principle, subject to an assessment of the criteria set out below.

Creation of the Car Park

Whilst the development works inevitably form a visible feature within the site, given the plots siting and the minimal engineering works that have been undertaken, it is not considered the works appear overly prominent or out of keeping within the wider locality. Furthermore, given the nature of the works and the relationship the resulting car park has with the nearest properties, the development itself is not readily visible from the nearest properties or from any public vantage points outside of the car park site other than a small section of the adjacent A4054. Additionally, the car park site is enclosed by mature trees along the northern, eastern and western boundaries which adds a degree of screening and ensures the site is not overly prominent from outside. These trees would remain in future which will ensure any visual impact would not be increased.

It is acknowledged however that the lighting has a visual impact, however this subject is assessed separately in the next section of the report.

Therefore, in the context of the wider area, the development works represent a relatively modest alteration to the site and were required in order to assist in the operation of and to improve the parking arrangements at the neighbouring car sales business. As such, it is not considered that the development has resulted in the formation of a prominent feature that is harmful to the character and setting of the application site or the wider locality. The application is therefore considered acceptable in this regard.

External Lighting

With respect to the external lighting, the applicant originally installed blue bulbs throughout the site which resulted in a significant detrimental visual impact to the surrounding area, being highly visible from a number of vantage points and properties outside of the site. Subsequently a number of objections were received from residents of Abercynon detailing this fact and that the lights shine directly into their windows causing nuisance and disturbance, especially during the winter months when the band of mature trees that separates the properties on the opposite side of the A470 with the A470 have shed their leaves.

In an attempt to overcome the visual impact of the lighting and concerns raised by the objectors, the applicant has replaced the blue bulbs on the lighting columns with Highway Crystal LED bulbs which emit a white light and are comparable to that installed on many street lamps throughout the County Borough. However, notwithstanding the amendments, a number of residents still consider the lighting to be unacceptable for the reasons detailed above.

Whilst the comments raised by the objectors are acknowledged, the lighting has been assessed by the Council's Public Health and Protection Division who commented that the department has received a number of complaints from residents of the streets at the other side of the A470, from which the majority of objections to the application have been received, and have therefore carried out a number of their own monitoring visits/assessments from these streets and the properties within them. Their visits/assessments concluded that the lights did not result in a statutory nuisance to the nearest residential properties, and therefore, whilst they acknowledge there is a degree of impact to the amenities of the nearest residents, they have no have no objection to the lighting installed at the site.

It is also noted that the lights have been altered from that originally installed so as to remove the prominence of the blue light, to face inwards towards the site, and as noted above, to the same specification as those used within many street lights throughout the Borough. Additionally, the dwellings located at the other side of the A470, the nearest being within Martin's Terrace from which no objections have been received, are over 100m from the site and are separated from it by the A470 which also creates a degree of impact in this respect. Additionally the car park site is enclosed by mature trees along the northern, eastern and western boundaries which adds a degree of screening and ensures the site is not overly prominent from outside. These trees would remain in future which will ensure any visual impact would not be increased.

Subsequently, in light of the Public Health and Protection Division's assessment of the application and their own assessment and monitoring of the impact of the lights in the surrounding area, the fact the lights are of same specification as that installed on many streetlights throughout the Borough, and the site is enclosed on three of the four boundaries, whilst the concerns raised by the objectors are acknowledged and it is accepted that the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application.

Notwithstanding the above, it is not considered however that all lights within the site would be required for security when the store is closed and therefore a number of the lights could be switched off during the night to further reduce the impact. As such a condition to this affect is detailed below.

With regard to the point made by an objector that the lighting is having a detrimental impact upon wildlife in the area, following consultation and assessment of the application, both the Council's Ecologist and Natural resources Wales have no concerns with the scheme.

Finally, with respect to highway safety, following assessment of the scheme, both the Council's Transportation Section and Welsh Government Transport Division have no concerns with the lighting installed at the site providing a condition is added to any consent ensuring the lights are not changed in future without the approval of the LPA. As such it is not considered the lighting has an undue impact upon highway safety in the vicinity.

Subsequently, in light of the above, whilst the concerns raised by the objectors are acknowledged and it is accepted that the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application.

Highway Safety

No objections have been raised by the Council's Transportation Section or Welsh Government Transport Division following consultation, subject to a number of conditions in respect of the access and lighting being attached to any consent.

In their assessment of the development the Transportation Section commented that the site is accessed directly from the A4054 as shown on submitted drawing No. 101, incorporating right hand turning lane, and 7.3m wide access with 15m junction radii to cater for articulated vehicles and car transporters. At this location of the access the A4054 has two lanes northbound and one lane southbound which diverge into two lanes on approach to the nearby traffic signals. Tactile paving and flush kerbs have been provided to facilitate pedestrian movement along the western footway of the A4054. The secure access gates and barrier/intercom are set back 20m from the channel line of the A4054 to allow articulated car transporter vehicles with a maximum length of 18m to pull off the road to await entry to the site and therefore access geometry and layout is considered satisfactory. Additionally, the access has been constructed in accordance with the submitted drawing Nos. 101 and 102 with the exception of the right hand turning lane. The right hand turning lane is required to allow traffic turning right in to the site to safely await a gap in traffic and to guide through traffic past vehicles waiting to turn. Without such facilities there would be increased risk of head on collision between turning vehicles and northbound traffic and potential for rear end collision between southbound and vehicles waiting to turn into the site. It was also noted at a site visit on 7th August 2017 that give way markings have not been provided for vehicles emerging from the access but such road markings can be provided as part of the markings to provide the right turning lane. Therefore a condition requiring the right turning lane to be implemented is suggested.

The Transportation Section also commented that the vision splays at the access are 2.4m by 120m in both directions which is in accordance with the requirements of TAN 18: Transport and are therefore acceptable. Further, parking provision of 140 spaces is provided to cater for both operational and non operational parking and adequate space is available within the compound for articulated transporter vehicles to park for loading and unloading which is considered acceptable.

Finally, as detailed above, both the Council's Transportation Section and Welsh Government Transport Division have no concerns with the lighting installed at the site providing a condition is added to any consent ensuring the lights are not changed in future without the approval of the LPA.

Therefore, in conclusion and in light of the above highways assessment, the access as constructed is acceptable in terms of width, geometry, pedestrian facilities and vision splays. The security barrier has been set back sufficient to allow articulated vehicles to draw in and wait access clear of the A4054 and pedestrian footway. It is noted that the right turning lane shown on submitted drawing No. 101 has not been implemented, however, the provision of the right turning lane can be secured by means of a suitably worded condition. Further, the internal circulation, parking provision and lighting is considered acceptable. As such the development is considered acceptable in respect of its impact upon highway safety in the vicinity, but it is considered the works detailed in the conditions below should be carried out as soon as possible to ensure any impact is minimised.

Other Issues

Site Drainage

It is noted that an objector has commented that no drainage details have been submitted with the application and the Council's own Drainage Section have concerns in this respect. However, following consultation, no objections have been raised by the Council's Land Reclamation and Engineering Section in respect of flood risk. It was noted however that as the development is retrospective and the applicant has not provided any surface water drainage details with the application, it is difficult to assess the development in respect of flood risk. However, it is considered that an acceptable drainage scheme may have been or could be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requesting full drainage details be submitted to and approved by the Local Planning Authority within 56 days of any consent and if necessary, additional drainage works be carried out in accordance with the approved details.

In light of the above advice from the Council's Land Reclamation and Engineering Section, the development is considered acceptable in this regard, subject to the conditions detailed below.

It is also noted that no adverse comments have been raised by NRW or Dwr Cymru /Welsh Water, subject to standard advice.

Site Contamination

It is noted that an objector has commented that Natural Resources Wales have concerns with the application in respect of contaminated land and that no relevant information in this respect has been provided. However, whilst concerns were originally raised by NRW in this respect, the applicant submitted historic land maps on 06/03/17 detailing that contaminative uses have not previously existed on site. As such NRW subsequently removed their concerns and confirmed they have no objection to the application.

The Well Being of Future Generations (Wales) Act 2015

A number of objectors have commented that the scheme does not comply with the Well Being of Future Generations (Wales) Act 2015. However, it is considered that the development, in aiding the operation of a significant employer in the Borough, is in accordance with the Act's sustainable development principle.

Issues Not Relating to the Planning Application

Members are advised that a number of the issues raised by objectors following consultation do not relate the works that seek consent as part of this application. Therefore these issues have not been taken into account during the determination of this application and are detailed below:

- The fact that the applicant advertises the site as 'Cardiff North' rather than 'Abercynon' shows a complete lack of respect for the local area and its residents.
- The development works at the site have resulted in the value of the nearest properties being reduced.

Members are also advised that the objectors have raised a number of concerns in respect of the works undertaken and adverts erected at the neighbouring car sales site. As detailed above, these works are subject of separate applications and therefore the concerns raised by the objectors in these respects are detailed and considered within the relevant separate application reports.

Community Infrastructure Levy Liability

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

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

Conclusion

Having taken account of the issues outlined above, the change of use of the site to a car park area and all associated works are considered acceptable. Whilst it is accepted the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application. It is however considered a number of the lights could be turned off when the main store is closed to improve the current visual impact and that this could be achieved by way of condition.

Further, it is not considered the new access created on to the A4054 has a detrimental impact upon highway safety in the vicinity, but it is considered additional works could be undertaken to the access to ensure any impact is minimised, which could again be achieved by way of condition.

As such, on balance, the application is recommended for approval subject to the conditions specified below.

RECOMMENDATION: Grant

1. Within 56 days of the date of this consent, the right turning lane shall be implemented in accordance with submitted drawing No. 101, including give way markings at the site access, and approved by the Local Planning Authority.

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

2. Within 28 days of the date of this consent, a detailed lighting plan shall be submitted to and approved in writing by the LPA detailing which external lights on site shall be switched off when the main store is closed. The lights to be switched off detailed within the approved plan shall be switched off when the main store is closed thereafter.

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

3. Within 28 days of the date of this consent, full site drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. Any additional drainage works required at the site shall be carried out in accordance with the approved details within 3 months of the details being approved by the Local Planning Authority.

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

4. The installed site illumination shall be retained in accordance with the lighting specification contained within the submitted Lighting Impact Assessment Report unless otherwise agreed in writing by the Local Planning Authority. The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.

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

5. No further landscaping/tree removal works shall take place on site unless a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be removed/retained together with measures for their protection during the course of development, has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site will be visually attractive in the interests of amenity and to ensure that there is no undue impact upon any ecology on site in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

6. The car park hereby approved shall be restricted to use ancillary to that of the main 'Trade Centre Wales Cardiff North' car sales site at all times and shall not operate independently of the main car sales business at any time. It shall only be used for the storage of staff vehicles and overflow sales vehicles and no vehicles shall be sold from or viewed by customers at this site and no customer parking shall be available here.

Reason: To define the extent of the consent granted; to protect the amenities of surrounding residents; and in the interests of highway safety, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/0997/10	(MF)
APPLICANT:	MTR Bailey Trading Ltd	
DEVELOPMENT:	Retention of existing site levels and valet structures and replacement security flood lighting scheme (retrospective) (Lighting Impact Assessment Report	

received 29/06/17).
LOCATION: **TRADE CENTRE WALES, CILFYNYDD ROAD,**
ABERCYNON, MOUNTAIN ASH, CF45 4UQ
DATE REGISTERED: **19/12/2016**
ELECTORAL DIVISION: **Abercynon**

RECOMMENDATION: Approve

REASONS:

The raising of site levels and introduction of valet structures at the site and all associated works are considered acceptable. Further, whilst it is accepted the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application. It is however considered a number of lights could be switched off when the store is closed to improve the current visual impact and that this could be achieved by way of condition.

It is therefore considered the application complies with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Retrospective planning permission is sought for the retention of the existing ground levels, valet structures, and external lighting at the Trade Centre Wales, Abercynon.

This application follows a previous planning permission, ref. 15/099/10, which gained consent for the change of use of the site from an electronics factory to a car sales business on 18/12/15. The original consent proposed the change of use of the site only, with no major external alterations to the main building or major engineering works to the wider site proposed. The previous application did detail however that the car park to the front (south) of the building would be extended; a grassed area to the south-eastern side of the main building would be hard-surfaced for use as a sales forecourt; a number of trees throughout the site would be removed in accordance with a submitted arboricultural report; and a mini-roundabout would be located at the site access. It was not proposed however that any works would be undertaken to the car park/delivery yard area at the rear of the building.

Following completion of development works associated with the change the use of the site, the Council became aware that the applicant had undertaken a number of works that were not approved as part of the previous planning permission. As such the applicant has submitted this application to seek consent for the retention of the additional works carried out at the site that do not already benefit from planning permission. Members are therefore advised that this application does not seek consent for the use of the site as a car sales place and all associated works that already benefit from planning permission, but simply the retention of the additional works undertaken at the site that were not included in the previous planning application.

The additional works undertaken at the site that were not included within the previous planning application and now seek consent are detailed as follows:

- 2 no. car valeting structures – 2 no. car valeting tents have been erected to the rear of the building, one directly adjacent to the rear (northern) elevation and one within the adjacent delivery yard. The first (directly adjacent to the building) measures 5m in width by 8m in length by 3.5m in height. The second (within the delivery yard) measures 6.4m in width by 12m in length by 3.5m in height. Both structures have been constructed at ground level and comprise steel frames with plastic sheet covering and an open frontage.
- Raising of the ground levels to the front (south) of the main building – the ground levels to the front of the main building have been raised by between 0m and 4m in order to bring the ground to the same level as the main building and to extend the original car park area. The area has been hard-surfaced and retained with gabion baskets between 1m and 4m in height.
- Raising of the ground levels to the rear (north) of the main building – the ground levels to the rear of the main building have been raised by between 0m and 3m in order to create a large car sales area. The area has been hard-surfaced and retained with embankments at the north-west corner of the site and a retaining wall adjacent to the building.
- The installation of a lighting scheme throughout the site – a number of lighting columns have been located throughout the site, 12 no. columns to the rear of the building, 8 no. columns to the eastern side of the building, and 4 no. columns to the front of the building. 11 no. and 4 no. lights have also been erected on the eastern side and rear of the building respectively. The lamps used on the lighting columns each accommodate white Highway Crystal LED bulbs. It is noted however that the lamps attached to building currently accommodate blue LED bulbs but the applicant has detailed that these bulbs will be replaced with the same as that used on the lighting columns.

All works at the site, other than the replacement of the blue lights with white, have now been completed and this application therefore essentially seeks to retain the site as now developed. No further works are proposed as part of this application.

Members are advised that a number of advertisements have been erected throughout the site that do not benefit from advertisement consent. The adverts are subject to a separate application, ref. 16/1051/01, and do not form part of this submission. Members are also advised that the applicant has created an overspill and staff car park area on a plot of land to the south of the main car sales site that also does not benefit from planning permission. These works are also subject of a separate planning application, ref. 16/0994/10, and do not form part of this application.

The application is accompanied by the following:

- Retaining works structural specification/calculations;
- Lighting Impact Assessment Report.

SITE APPRAISAL

The application site comprises a large commercial unit and its associated curtilage which currently operates as a car sales place. The site is located off the A4054 between the settlements of Abercynon and Cilfynydd with the only immediate neighbouring property being Ty Trevithick, a Local Authority office building to the south. The main unit is located centrally along the western boundary of the site having a public car park to the front (south) and car sales areas to the rear (north) and eastern side. Various advertisements and lighting columns are located throughout. The site is bounded by the adjacent office building to the south, the A4054 to the east, the bank of the River Taff to the north, and the A470 to the west beyond which is a residential area of Abercynon. The residential area, Woodland Crescent and streets beyond, are located approximately 200m from the application site and are separated from it by the adjacent A470 and River Taff. A band of mature trees are sited along the southern side of Woodland Crescent, between the properties and the river/A470.

Access to the site is gained off the A4054 via a private access road shared with the adjacent Ty Trevithick. The buildings principle entrance is to the front with further staff/delivery access located to the rear.

The wider site has been subject of a number of recent development works associated with the recent change of use. These include the raising of ground levels and associated engineering works, the erection of lighting throughout, the removal of trees surrounding the site, and the erection of numerous adverts throughout. At the time of the site visit all works associated with this application had been completed, other than the replacement of the blue lights on the building with the same white lights installed on the lighting columns.

PLANNING HISTORY

A number of previous planning applications have been submitted at the site:

16/0134	The Trade Centre Wales, Abercynon	3 no. advertisement signs	Granted 05/05/16
15/1247	“	Advertisement signage – 12 no. illuminated fascia signs	Granted 28/10/15
15/0995	The Gateway, Abercynon	Change of use from former electronics factory to car sales showroom and associated facilities including internal and external alterations	Granted 18/12/15
10/0075	“	Change of use from light industrial to a facility to recycle waste electronic and electrical equipment	Granted 02/08/10
96/4266	“	New external fire escape	Granted 18/11/96
93/0310	“	Halo illuminated fascia signs	Granted 03/09/93
93/0206	“	Gatehouse, hazardous substance store and boundary fence	Granted 29/06/93
90/0623	Land adjacent to A470, Abercynon	Factory for production of electronic assemblies	Granted 14/11/90

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Thirteen letters of objection have been received from residents of Abercynon, making the following comments (summarised):

External lighting

- The external lighting installed at the site has a detrimental impact upon the amenities of the nearest residents. The lights shine directly in to the windows of the nearest residential properties resulting in nuisance and disturbance. Being on all night the lights stop surrounding residents having a view of the natural night sky. The lights cause a distraction to motorists on the adjacent highways. The lighting is having a detrimental impact upon wildlife in the area.

The lighting is out of character with the surrounding area. These issues are exacerbated in the winter months when surrounding trees shed their leaves and by the blue colour of some of the lights.

- The lighting specification details submitted with the application are not sufficient to consider the impact of the lights. Further, with no lighting plan the applicant could alter the lighting at any point in the future to a scheme worse than that already installed.
- Whilst the majority of the blue lights have been replaced, a number of blue lights still remain on site and continue to be a problem. Further, the white lights are too bright and cause nuisance to the nearest residents.
- The trees surrounding the site that were planted to screen the previous use from the surrounding area have been removed. This results in the site being highly visible from Abercynon. This is exacerbated by the bright lighting and illuminated adverts.
- The lighting assessment report submitted does not consider the impact of the lights on the properties within Woodland Crescent and beyond.
- If the application is approved, the lights should be switched off during the night time.

Site levels

- The raising of the levels at the site has resulted in the development being out of character with its surroundings and being highly visible from the nearest properties. The original ground levels at the site should be reinstated.
- If the application is approved, an appropriate landscaping scheme should be introduced at the site to improve its current appearance.

Other issues

- The use of the site as a car sales place results in noise and disturbance to the nearest residents. Loud music is played at the site throughout the day which can be heard from Woodland Crescent and beyond
- The removal of trees around the site has led to the destruction of habitats for many animals and birds. Further, the area along the bank of the River Taff is a SINC.
- The access to the site off the A4054 is not adequate for use as a car sales place. The current use results in significantly more traffic along this section of

highway than that which previously occurred. The volume of traffic using the site has a detrimental impact upon highways safety in the area.

- No drainage details have been submitted with the application. The Council's own drainage engineers have concerns in respect of this.
- Natural Resources Wales have concerns with the application in respect of contaminated land. The relevant information in this respect has not been provided.
- The works undertaken at the site do not comply with that approved in the previous planning permission.
- The application does not comply with the Well Being of Future Generations Act (Wales) 2015.
- The fact that the applicant advertises the site as 'Cardiff North' rather than 'Abercynon' shows a complete lack of respect for the local area and its residents.
- The development works at the site have resulted in the value of the nearest properties being reduced.

Members are also advised that the objectors have raised a number of concerns in respect of the adverts erected at the car sales site and the works undertaken at the nearby overspill/staff car park site. As detailed above, these works are subject of separate applications and therefore the concerns raised by the objectors in these respects are detailed and considered within the relevant separate application reports.

CONSULTATION

Structural Engineer – no objection.

Transportation Section – no objection, subject to conditions.

Welsh Government Transport Division – no objection, subject to condition.

Land Reclamation and Engineering – no objection.

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

Countryside, Landscape and Ecology – no objection, subject to condition.

Natural Resources Wales – no objection.

Dwr Cymru Welsh Water – no objection, subject to condition.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 – outlines how the emphasis on building strong, sustainable communities will be achieved 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 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 10 (Retail and Commercial Development) 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 4: Retail and Commercial Development;
- 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 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

As detailed above, this application seeks planning permission for the retention of the existing ground levels, valet structures, and external lighting at the application site. The use of the site and all associated matters already benefit from planning permission. All works at the site have now been completed and this application therefore essentially seeks to retain the site as now developed, with no further works proposed (apart from the replacement of the remaining blue lights with white). It is also noted that the advertisements erected at the site are subject to a separate advertisement consent application and do not form part of this application.

With the above in mind, whilst the application site is located outside of settlement limits and is not allocated for any specific purpose, it is occupied by a large, existing commercial unit and has historically been occupied by a number of differing industrial uses in the past. As such, with the application simply proposing a number of additional works within the curtilage of the site required to aid the operation of the existing approved use, the development, in principle, is acceptable, subject to an assessment of the criteria set out below.

External Lighting

With respect to the external lighting, the applicant originally installed blue bulbs throughout the site which resulted in a significant detrimental visual impact to the surrounding area, being highly visible from a number of vantage points and properties outside of the site. Subsequently a number of objections were received from residents of Abercynon detailing this fact and that the lights shine directly into their windows causing nuisance and disturbance, especially during the winter

months when the band of mature trees that separates the properties on the opposite side of the A470 with the A470 have shed their leaves. Additionally, the impact is exacerbated by the fact that the trees that used to surround the application site have been removed.

In an attempt to overcome the visual impact of the lighting and concerns raised by the objectors, the applicant has replaced the blue bulbs on the lighting columns with Highway Crystal LED bulbs which emit a white light and are comparable to that installed on many street lamps throughout the Borough. It is also noted that the applicant proposes to change the remaining blue lights on the site (the lights on the building itself) with the same. However, notwithstanding the amendments, a number of residents still consider the lighting to be unacceptable for the reasons detailed above.

As such, it is acknowledged that careful consideration must be given to the impact of such a scheme on the levels of light pollution and glare that is generated beyond the boundaries of the site. In this respect and following consultation with the Council, the applicant submitted a Lighting Impact Assessment Report produced by a qualified engineer that has assessed the installed lighting in respect of nuisance and distraction to surrounding residents and highways users within a 200m radius of the site, the distance within which the lighting could likely be deemed as resulting in a statutory nuisance and highway safety issue. The lighting assessment has been undertaken in line with the relevant British Standard, Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' (2011) and current International Commission on Illumination guidance. The report concludes that:

- The lighting levels from the site do not cause any excessive impact on neighbouring domestic properties and roads in respect of horizontal illuminance.
- The lighting levels from the site do not cause any excessive impact on neighbouring domestic properties in respect of vertical illuminance.
- The lighting levels from the site do not cause any excessive impact on neighbouring domestic properties and nearby roads in respect of direct sky glow.
- The lighting levels from the site do not cause any excessive impact on nearby roads in respect of veiling illuminance.
- The lighting levels from the site do not cause any excessive impact on nearby roads in respect of glare rating.

The Lighting Impact Assessment Report has been assessed by the Council's Public Health and Protection Division who commented that the report is an appropriate and

acceptable assessment and concludes that the lighting does not result in an unacceptable impact upon the surrounding area. Further, whilst they note that the assessment does not include the properties located along Woodland Crescent and neighbouring streets at the other side of the A470, from which the majority of objections to the application have been received, the department has received a number of complaints from residents of these streets and have therefore carried out a number of their own monitoring assessments from these streets and the properties within them, confirming that the visits did not establish the lighting results in a statutory nuisance in this area. As such, whilst they acknowledge there is a degree of impact to the amenities of the nearest residents, they have no objection to the lighting installed at the site.

It is also noted that the lights have been altered from that originally installed so as to remove the prominence of the blue light, to face inwards towards the site, and as noted above, to the same specification as those used within many street lights throughout the County Borough. Additionally, the dwellings located within Woodland Crescent and streets beyond are located approximately 200m away and are separated from the site by the A470 which also creates a degree of impact in this respect. Additionally, whilst the removal of the trees around the site that would have helped with screening is regrettable, there are no preservation orders on the site and the removal works had already been undertaken prior to approval of the previous change of use consent. As such the Council had no powers to stop these works or insist that replacements are planted. Further, given the extent of the works undertaken at the site, there is little scope to implement a new replacement landscaping scheme.

Subsequently, in light of the Public Health and Protection Division's assessment of the application and Lighting Impact Assessment Report, their own assessment and monitoring of the impact of the lights in the surrounding area, and the fact the lights are of same specification as that installed on many streetlights throughout the County Borough, whilst the concerns raised by the objectors are acknowledged and it is accepted that the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application.

Notwithstanding the above, it is not considered however that all lights within the site would be required for security when the store is closed and therefore a number of the lights could be switched off during the night to further reduce the impact. As such a condition to this affect is detailed below.

With regard to the point made by an objector that the lighting is having a detrimental impact upon wildlife in the area, following consultation and assessment of the application, both the Council's Ecologist and Natural resources Wales have no concerns with the scheme.

Finally, with respect to highway safety, following assessment of the scheme and the Lighting Impact Assessment Report, both the Council's Transportation Section and Welsh Government Transport Division have no concerns with the lighting installed at the site providing a condition is added to any consent ensuring all blue lighting is removed within 3 months of any consent being granted. As such it is not considered the development has an undue impact upon highway safety in the vicinity.

Subsequently, in light of the above, whilst the concerns raised by the objectors are acknowledged and it is accepted that the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application.

Raising of Ground Levels

With regard to the raising of the ground levels to the front and rear of the main building, it is acknowledged that a significant amount of engineering works have been undertaken at the site and the resulting site levels and retaining works are visible from the adjacent A470. Further, the visual impact of the works are exacerbated by the fact that a large number of trees that previously surrounded the site have been removed. However, it is not considered these works have had an unacceptable impact upon the character and appearance of the site or the wider locality, and are similar in nature to many other retaining works in the Borough and along the A470. Further, as detailed above, whilst the loss of the trees surrounding the site is regrettable, there are no preservation orders on the site and the works had already been undertaken prior to approval of the previous change of use consent. As such the Council had no powers to stop these works or insist that replacements are planted. Further, given the extent of the works undertaken at the site, there is little scope to implement a new replacement landscaping scheme. Therefore, it is not considered the works have resulted in an unacceptable impact upon the character and appearance of the site or surrounding area and it is not considered it would be reasonable or possible to request any replacement landscaping at the site.

Additionally, whilst it is acknowledged the site is visible from a number of properties along Woodland Crescent during the winter months when the band of mature trees between the properties and the adjacent A470 have shed their leaves, these properties are located approximately 200m away where the works appear in the distance and similar to that of the surrounding A470 boundaries. Therefore it is not considered the works appear overly prominent from these properties or result in the visual amenity of the residents being impacted to a degree that would warrant refusal of the application.

With respect to the impact upon the bank of the River Taff at the north-west corner of the site which forms a section of SINC 142, the Council's Ecologist has commented that whilst it is regrettable the trees and habitat here have been disturbed, the works have already been undertaken and it is considered that if left, the habitat here will

recover. Therefore it is considered the land should be left recover naturally but a condition should be added to any consent to ensure no further clearance works are undertaken here without the prior approval of the LPA. Further, it was commented that whilst it would be preferable for the trees surrounding the site to be replaced, there does not appear to be any space within the site to accommodate any meaningful landscaping and therefore, on balance, no condition in this respect is suggested.

It is also noted that following assessment of the works, the Council's Structural Engineer has confirmed that the retaining structures are acceptable and appropriate to support the site and have no impact upon the surrounding area.

Valet Structures

The valet tents are minor in terms of their scale and design and given their central siting within the wider site, do not appear overly prominent from the surrounding area. Further, they are typical of similar units at other sites throughout the Borough and it is therefore considered they have no visual impact. Additionally, given their very nature, use and siting, it is not considered they result in any undue impact upon the amenities of the nearest residents.

Other Issues

Site Drainage

It is noted that an objector has commented that no drainage details have been submitted with the application and the Council's own drainage section have concerns in this respect. However, following consultation, the Council's Land Reclamation and Engineering Section have assessed the scheme and their response raised no objection to the planning application and no conditions were suggested. It is also noted that no adverse comments have been raised by Dwr Cymru Welsh Water, subject to standard advice.

Site Contamination

It is noted that an objector has commented that Natural Resources Wales have concerns with the application in respect of contaminated land and that no relevant information in this respect has been provided. However, whilst concerns were originally raised by NRW in this respect, the applicant submitted historic land maps on 06/03/17 detailing that contaminative uses have not previously existed on site. As such NRW subsequently removed their concerns and confirmed they have no objection to the application.

The Well Being of Future Generations (Wales) Act 2015

A number of objectors have commented that the scheme does not comply with the Well Being of Future Generations (Wales) Act 2015. However, it is considered that the development, in aiding the operation of a significant employer in the Borough, is in accordance with the Act's sustainable development principle.

Mini Roundabout

During their assessment of the scheme the Transportation Section commented that the mini roundabout installed on the private access road has not been implemented in accordance with the submitted drawing SK01. As such there is concern that as constructed it will lead to vehicular conflict. Therefore on this basis a suitably worded condition has been suggested to address the safety concerns and implement the mini roundabout in accordance with the submitted plan.

Issues Not Relating to the Planning Application

Members are advised that a number of the issues raised by objectors following consultation do not relate to the works that seek consent as part of this application. Therefore these issues have not been taken into account during the determination of this application and are detailed below:

- The use of the site as a car sales place is inappropriate and incompatible with surrounding uses.
- The use of the site as a car sales place results in noise and disturbance to the nearest residents. Loud music is played at the site throughout the day which can be heard from Woodland Crescent and beyond – Members are advised that this issue is being investigated separately by the Public Health and Protection Division.
- The access to the site off the A4054 is not adequate for the use as a car sales place. The current use results in significantly more traffic along this section of highway than that which previously occurred. The volume of traffic using the site has a detrimental impact upon highways safety in the area.
- The works undertaken at the site do not comply with that approved in the previous planning permission.
- The fact that the applicant advertises the site as 'Cardiff North' rather than 'Abercynon' shows a complete lack of respect for the local area and its residents.
- The development works at the site have resulted in the value of the nearest properties being reduced.

Members are also advised that the objectors have raised a number of concerns in respect of the adverts erected at the car sales site and the works undertaken at the nearby overspill/staff car park site. As detailed above, these works are subject of separate applications and therefore the concerns raised by the objectors in these respects are detailed and considered within the relevant separate application reports.

Community Infrastructure Levy Liability

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

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

Conclusion

Having taken account of the issues outlined above, the raising of site levels and introduction of valet structures at the site are considered acceptable. Further, whilst the concerns raised by the objectors are acknowledged and it is accepted that the lighting is prominent and has a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application. It is however considered a number of the lights could be switched off when the store is closed and as such a condition to this affect is detailed below.

As such, on balance, the application is recommended for approval subject to the conditions specified below.

RECOMMENDATION: Grant

1. Within 28 days of the date of this consent, the existing blue LED lighting on site shall be replaced with white lighting in accordance with the submitted lighting product details. The white lighting shall remain in place thereafter.

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

2. Within 28 days of the date of this consent, a detailed lighting plan shall be submitted to and approved in writing by the LPA detailing which external lights on site shall be switched off when the store is closed. The lights to be switched off detailed within the approved plan shall be switched off when the store is closed thereafter.

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

3. Within three months of the date of this consent, the mini roundabout on the private shared access road shall be implemented in accordance with the submitted plan SK01 and be approved by the Local Planning Authority.

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

4. The installed site illumination shall be retained in accordance with the lighting specification contained within the submitted Lighting Impact Assessment Report unless otherwise agreed in writing by the Local Planning Authority. The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.

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

5. No further landscaping/tree removal works shall take place on site unless a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be removed/retained together with measures for their protection during the course of development, has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site will be visually attractive in the interests of amenity and to ensure that there is no undue impact upon any ecology on site in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	16/1051/01 (MF)
APPLICANT:	MTR Bailey Trading Ltd
DEVELOPMENT:	Retention of advertisements located throughout site (23 no. signs on building, 45 no. lighting column signs, 9 no. flagpole signs, 1 no. freestanding sign at site entrance, 1 no. entrance archway) (retrospective).
LOCATION:	TRADE CENTRE WALES, CILFYNYDD ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4UQ
DATE REGISTERED:	19/12/2016
ELECTORAL DIVISION:	Abercynon

RECOMMENDATION: Approve

REASONS:

Whilst it is accepted the illuminated advertisements are prominent and have a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered they result in an impact that is significant enough to warrant refusal of the application. However, it is not considered the adverts need to be illuminated when the store is closed and could therefore be switched off at night to reduce the current visual impact which could be achieved by way of condition.

Further, it is not considered the adverts result in a detrimental impact upon highway safety in the vicinity of the site.

It is therefore considered the application complies with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Retrospective advertisement consent is sought for the retention of a number of advert signs erected at the Trade Centre Wales, Abercynon.

This application follows a previous advertisement consent application, ref. 15/1247/01, which gained permission for a series of advert signs at the site on 28/10/15. The original consent proposed 12 no. signs on the main building only and did not propose any further signs within the wider site. However, following completion of development works associated with the change the use of the site, the Council became aware that the signs erected on the building did not comply with those approved in the previous advert consent, and further, a number of additional signs had been erected on the building and also within the wider site. Members are advised however that a further application, ref. 16/0134/01, was approved on 05/05/16 for the erection of 3 no. totem signs throughout the site and that these signs have been erected in accordance with the approved details.

As such the applicant has submitted this application to seek consent for the retention of the adverts erected at the site that do not already benefit from advertisement consent, i.e. all adverts on site other than the 3 no. totem signs. No further adverts are proposed as part of this application.

The scheme entails 23 no. signs on the building itself, 45 no. lighting column signs, 9 no. flagpole signs, 1 no. freestanding sign at the site entrance, and 1 no. archway sign at the site entrance. A summary of the signs are detailed as follows, however

the full details of each sign are specified within the submitted 'Signage Schedule for Trade Centre Wales, Sales Site, Abercynon' document (**APPENDIX A**):

Building Signs

- 6 no. fascia signs on the south-eastern side elevation of the main building – all signs are powder coated aluminium with a facing-flex skin face and are back illuminated. The signs are a variety of colour and detail a mixture of text and logos in relation to the car sales business.
- 6 no. fascia signs on the south-western front elevation of the main building – 4 no. of the signs are powder coated aluminium with a facing-flex skin face and are back illuminated. The final fascia sign above the main entrance is plastic and not illuminated. A further non-illuminated, plastic informative sign is located to the left of the main entrance. The signs are a variety of colour and detail a mixture of text and logos in relation to the car sales business.
- 7 no. fascia signs on the north-western side elevation of the main building – 6 no. of the signs are powder coated aluminium with a facing-flex skin face and are back illuminated. A further non-illuminated, plastic sign is located to the right of the elevation. The signs are a variety of colour and detail a mixture of text and logos in relation to the car sales business.
- 4 no. fascia signs on the north-eastern rear elevation of the main building – all signs are powder coated aluminium with a facing-flex skin face and are back illuminated. The signs are a variety of colour and detail a mixture of text and logos in relation to the car sales business.

Other Signs

- 1 no. 'welcome' sign – a 1.5m high x 1.8m wide, non-illuminated, plastic sign has been erected at the site entrance. It comprises a blue/red background with white text/logo.
- 9 no. 8m high flagpoles, 3 no. at the site entrance, 3 no. at the south-western corner of the site, and 3 no. at the north-eastern corner of the site – each of the flagpoles accommodate a 1.35m x 2.7m advert flag. The flags are of various colour and detail information in respect of the car sales business.
- 45 no. double sided lighting column signs located through the site, 2 no. attached to each lighting column – the vinyl signs are 1.5 high by 0.6m wide and are non-illuminated. The signs are of various colour and detail information in respect of the car sales business.
- 1 no. archway sign – an archway sign has been erected at the site entrance, 6.49m high x 12.9m wide x 0.96m deep. The archway comprises 12 no. powder coated aluminium with a facing-flex skin face signs that are back

illuminated. The signs vary in colour and detail information in respect of the car sales business.

All illuminated signs have a static illuminate level of 11000cd/m.

Members are also advised that a number of wider development works have been undertaken at the site and at the nearby associated car park site that do not benefit from planning permission. These works are subject to separate applications, ref. 16/0994/10 and 16/0997/10, and do not form part of this submission.

SITE APPRAISAL

The application site comprises a large commercial unit and its associated curtilage which currently operates as a car sales place. The site is located off the A4054 between the settlements of Abercynon and Cilfynydd with the only immediate neighbouring property being Ty Trevithick, a Local Authority office building to the south. The main unit is located centrally along the western boundary of the site having a public car park to the front (south) and car sales areas to the rear (north) and eastern side. Various advertisements and lighting columns are located throughout. The site is bounded by the adjacent office building to the south, the A4054 to the east, the bank of the River Taff to the north, and the A470 to the west beyond which is a residential area of Abercynon. The residential area, Woodland Crescent and streets beyond, are located approximately 200m from the application site and are separated from it by the adjacent A470 and River Taff. A band of mature trees are sited along the southern side of Woodland Crescent, between the properties and the river/A470.

Access to the site is gained off the A4054 via a private access road shared with the adjacent Ty Trevithick. The buildings principle entrance is to the front with further staff/delivery access located to the rear.

The wider site has been subject of a number of recent development works associated with the recent change of use. These include the raising of ground levels and associated engineering works, the erection of lighting throughout, the removal of trees surrounding the site, and the erection of numerous adverts throughout (the subject of this application). At the time of the site visit all adverts associated with this application had been erected.

PLANNING HISTORY

A number of previous planning applications have been submitted at the site:

16/0134	The Trade Centre Wales, Abercynon	3 no. advertisement signs	Granted 05/05/16
15/1247	“	Advertisement signage – 12 no.	Granted

		illuminated fascia signs	28/10/15
15/0995	The Gateway, Abercynon	Change of use from former electronics factory to car sales showroom and associated facilities including internal and external alterations	Granted 18/12/15
10/0075	“	Change of use from light industrial to a facility to recycle waste electronic and electrical equipment	Granted 02/08/10
96/4266	“	New external fire escape	Granted 18/11/96
93/0310	“	Halo illuminated fascia signs	Granted 03/09/93
93/0206	“	Gatehouse, hazardous substance store and boundary fence	Granted 29/06/93
90/0623	Land adjacent to A470, Abercynon	Factory for production of electronic assemblies	Granted 14/11/90

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Thirteen letters of objection have been received from residents of Abercynon, making the following comments (summarised):

- The illuminated advertisements installed at the site have a detrimental impact upon the amenities of the nearest residents. The lights shine directly in to the windows of the nearest residential properties resulting nuisance and disturbance. These issues are exacerbated by the fact that a number of trees surrounding the site have been removed and in the winter months when surrounding trees shed their leaves.
- The number of adverts erected at the site and their scale are excessive and out of character with the appearance of the surrounding area and that at similar commercial units throughout the Borough.
- The illuminated adverts cause a distraction to motorists on the adjacent highways.
- If the application is approved, the advert illumination should be switched off during the night time.

Members are also advised that the objectors have raised a number of concerns in respect of the wider development works at the application site and the nearby overspill/staff car park site. As detailed above, these works are subject of separate applications and therefore the concerns raised by the objectors in these respects are detailed and considered within the relevant separate application reports.

CONSULTATION

Transportation Section – no objection.

Welsh Government Transport Division – no objection.

Public Health and Protection – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies outside of the settlement boundary for Abercynon 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 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;
- 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 10 (Retail and Commercial Development) 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 4: Retail and Commercial Development;
- PPW Technical Advice Note 7: Outdoor Advertisement Control;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

Part 1 4. (1) of the Town and Country Planning (Control of Advertisements) Regulations 1992 requires that in considering applications for the display of advertisements, Local Planning Authorities shall exercise their powers only in the interests of amenity and public safety.

Therefore, in considering and determining applications of this nature, the primary considerations are the effect on the visual amenity of the area, taking account of any historic, architectural or cultural features and on public safety including, the safety of any person travelling by road, rail, on any waterway, or by air.

Principle of the Proposed Development

As detailed above, this application seeks retrospective advertisement consent for the retention of all adverts on site, other the 3 no. totem signs that already benefit from consent and therefore do not form part of this application. No further adverts are proposed as part of this application.

With the above in mind, whilst the application site is located outside of settlement limits and is not allocated for any specific purpose, it is occupied by a large existing commercial unit and has historically been occupied by a number of differing industrial uses in the past. As such, the erection of advertisements in association with the existing commercial use is considered acceptable, in principle, subject to an assessment of the criteria set out below.

Visual Impact and Impact upon the Amenities of Surrounding Residents

A number of objections have been received from residents of Abercynon detailing that the illuminated advert lighting at the site shines directly into their windows causing nuisance and disturbance, especially during the winter months when the band of mature trees that separates the properties on the opposite side of the A470 with the A470 have shed their leaves. Additionally, the objectors have also commented that the number of adverts erected at the site and their scale are excessive and out of character with the appearance of the surrounding area and that at similar commercial units throughout the County Borough. Further, the impacts are

exacerbated by the fact that the trees that used to surround the application site have been removed.

With respect to the visual impact of the signs on the building itself, as detailed above, advertisement consent was approved in 2015 for the erection of 12 no. illuminated signs on all elevations, but the signs actually erected do not comply with the approved plans and additional signs have also been erected. However, the signs that have been erected are not dissimilar to those previously approved in terms of their scale or design and the additional signs are also comparable to those already approved, being in proportion to building in which they relate and designed in a manner where they form integral features of each elevation. Therefore, whilst it is accepted that a considerable number of signs have been erected on the building and they form visible and prominent features from a number of vantage points and properties outside of the site and their prominence is exaggerated during the night time when a number of the signs are illuminated, it is considered the signs have been designed in a manner by which they are read in conjunction with the business in operation and are not significantly different to that which could be erected via the existing consent. Subsequently the number of signs attached to the building are not considered excessive and their design and appearance are considered acceptable.

Additionally, whilst it is acknowledged a number of further signs have been erected throughout the site, the entrance sign, flagpoles, and lighting column signs are of a minor scale and are not illuminated. Therefore, they are not readily visible or conspicuous from outside of the site and have no undue impact upon the character and appearance of the surrounding area. It is however accepted that the archway sign, given its scale and illumination, forms a visible and prominent feature, however, sited to the south of the main sales building it is screened from the adjacent A470 and properties beyond by the building and is therefore only visible from the private access drive leading to the site and adjacent commercial unit, Ty Trevithick, from which no objections have been received. As such, it is not considered the additional signs located throughout the site have a significant visual impact.

With respect to the impact of the illuminated signs upon the amenities of the nearest properties, it is acknowledged that a degree of light pollution and glare is generated beyond the boundaries of the site. Therefore, following consultation with the Council, the applicant has submitted a Lighting Impact Assessment Report produced by a qualified engineer that has assessed the installed lighting in respect of nuisance and distraction to surrounding residents and highways users within a 200m radius of the site, the distance within which the lighting could likely be deemed as resulting in a statutory nuisance and highway safety issue. The lighting assessment has been undertaken in line with the relevant British Standard, Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' (2011) and current International Commission on Illumination guidance. The report concludes that:

- The lighting levels from the site do not cause any excessive impact on neighbouring domestic properties and roads in respect of horizontal illuminance.
- The lighting levels from the site do not cause any excessive impact on neighbouring domestic properties in respect of vertical illuminance.
- The lighting levels from the site do not cause any excessive impact on neighbouring domestic properties and nearby roads in respect of direct sky glow.
- The lighting levels from the site do not cause any excessive impact on nearby roads in respect of veiling illuminance.
- The lighting levels from the site do not cause any excessive impact on nearby roads in respect of glare rating.

The Lighting Impact Assessment Report has been assessed by the Council's Public Health and Protection Division who commented that the report is an appropriate and acceptable assessment and concludes that the lighting does not result in an unacceptable impact upon the surrounding area. Further, whilst they note that the assessment does not include the properties located along Woodland Crescent and neighbouring streets at the other side of the A470, from which the majority of objections to the application have been received, the department has received a number of complaints from residents of these streets and has therefore carried out a number of their own monitoring assessments from these streets and the properties within them, confirming that the visits did not establish the lighting results in a statutory nuisance in this area. As such, whilst they acknowledge there is a degree of impact to the amenities of the nearest residents, they have no objection to the advert lighting installed at the site.

Additionally, the dwellings located within Woodland Crescent and streets beyond are located approximately 200m away and are separated from the site by the A470 which also creates a degree of impact in this respect. Further, whilst the removal of the trees around the site that would have helped with screening is regrettable, there are no preservation orders on the site and the tree removal works had already been undertaken prior to approval of the previous change of use consent. As such the Council had no powers to stop these works or insist that replacements are planted. Further, given the extent of the development works undertaken at the site, there is little scope to implement a new replacement landscaping scheme.

Subsequently, in light of the Public Health and Protection Division's assessment of the application and Lighting Impact Assessment Report, and their own assessment and monitoring of the impact of the lighting in the surrounding area, whilst the concerns raised by the objectors are acknowledged and it is accepted that the lighting is prominent and has a degree of impact upon the amenities of the nearest

properties within the hours of darkness, it is not considered the lighting results in an impact that is significant enough to warrant refusal of the application.

Notwithstanding the above, it is not considered however that the advertisements need to be illuminated when the store is closed and therefore the illumination could be switched off during the night to reduce the impact and improve the situation for the residents of Woodland Crescent and streets beyond. As such a condition to this affect is detailed below.

Highway Safety

It is acknowledged that concerns have been raised by the objectors in respect of highway safety, detailing that the illuminated signage causes a distraction to motorists on the adjacent highways. However, following assessment of the scheme and the Lighting Impact Assessment Report, no objections have been raised by the Council's Transportation Section or Welsh Governments Transport Division. As such, whilst it is accepted the illuminated advert signs result in a degree of light pollution and glare beyond the boundaries of the site, it is not considered the signs cause a hazard or endanger people within their vicinity.

The Council's Transportation Section did note that there is some concern that the entrance sign adjacent to the private shared access is within the required visibility splay, however, taking into account the small scale diameter of the poles with little impact on sight lines, the sign is acceptable.

Further, it is also noted that the WG Transport Division advise the website address along the north-western elevation of the building (facing the A470) be removed to reduce distraction, however, given the scale and design of this sign in relation to the other signs located on this elevation, it is not considered this sign results any further impact or distraction in comparison to the other signs and therefore its removal would not be necessary. Additionally, as detailed above, a condition is suggested below to ensure the advert lighting is switched off when the store is closed which will ensure any impact is minimal during the hours of darkness when the signs are most prominent.

Therefore, in light of the assessment of the scheme by both the Council's Transportation Section and WGs Transport Division and their subsequent comments, the adverts are considered acceptable in respect of their impact upon pedestrian and highway safety in the vicinity of the site.

Other Issues

Members are also advised that the objectors have raised a number of concerns in respect of the development works undertaken at the site and nearby overspill/staff car park site. As detailed above, these works are subject of separate applications

and therefore the concerns raised by the objectors in these respects are detailed and considered within the relevant separate application reports.

Community Infrastructure Levy Liability

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

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

Conclusion

Having taken account of the issues outlined above, whilst the concerns raised by the objectors are acknowledged and it is accepted that the adverts are prominent and have a degree of impact upon the amenities of the nearest properties within the hours of darkness, it is not considered the adverts have a significant enough impact upon the character and appearance of the site or surrounding area, or upon the amenities of the nearest residents to warrant refusal of the application. It is not considered however that the advert lighting needs to be on when the store is closed and should be switched off at night to reduce the impact upon the properties at the other side of the A470. As such a condition to this affect is detailed below.

As such, on balance, the application is recommended for approval subject to the conditions specified below.

RECOMMENDATION: Grant

1. All illuminated advert signs hereby approved shall not be illuminated when the store is closed or between the hours of 9pm to 9am each day, whichever is earlier.

Reason: In the interests of amenity and highway safety, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

2. This consent shall expire five years from the date of this Notice.

Reason: Standard condition under the provisions of the above mentioned Regulations.

3. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. Where an advertisement is required under the above mentioned Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

APPENDIX A - 16/1051/01

Signage Schedule for Trade Centre Wales, Sales Site, Abercynon

Signage on Main Building

Please refer to drawing 10.135.204 for sign locations on the building.

Where signs are illuminated they have a static illuminance level of 1000cd/m.

All signs have a maximum projection of 0.2m from face of building.

South Eastern Side Elevation

- One 'Trade Centre Wales' sign 2.7m high x 34.11m long x 0.2m deep, back illuminated, max font height 1.8m. Blue background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'Drive Away' in 1 Hour' sign 2.7m high x 14.80m long x 0.2m deep, back illuminated, max font height 1.1m. Red background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- Two 'Oval TCW logo' signs 2.7m high x 3.74m long x 0.2m deep, back illuminated, max font height 0.18m. Blue background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- Two 'Trust Pilot 8.9/10 Recommended and small tick logo' signs, 1.8m high x 4.17m long x 0.2m deep, back illuminated, max font height 0.68m. Black background, white and grey font. Logo gold with grey tick. 4.14m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.

South Western Front Elevation.

- One 'Trade Centre Wales' sign 1.8m high x 20m long x 0.2m deep, back illuminated, max font height 1.15m. Blue background, white font. 5.95m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- Two 'Oval TCW logo' signs 2.7m high x 3.74m long x 0.2m deep, back illuminated, max font height 0.18m. Blue background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.

- One 'Trust Pilot 8.9/10 Recommended' signs and small tick logo, 1.8m high x 4.17m long x 0.2m deep, back illuminated, max font height 0.68m. Black background, white and grey font. Logo gold with grey tick. 3.89m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'Showroom Entrance this Way and TCW logo' sign 0.89m high x 10.07m long x 3mm deep, not illuminated, max font height 0.31m. Blue background, white font. 3.1m from ground to underside of sign. Material plastic.
- One 'Showroom Entrance this Way and TCW logo' sign 1.2m high x 1.5m long x 3mm deep, not illuminated, max font height 0.11m. Blue background, white font. 0.93m from ground to underside of sign. Material plastic.

North Western Side Elevation

- One 'Trade Centre Wales' sign 2.7m high x 34.11m long x 0.2m deep, back illuminated, max font height 1.8m. Blue background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'Drive Away' in 1 Hour' sign 2.7m high x 14.80m long x 0.2m deep, back illuminated, max font height 1.1m. Red background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- Two 'Oval TCW logo' signs 2.7m high x 3.74m long x 0.2m deep, back illuminated, max font height 0.18m. Blue background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'Probably the UK's Cheapest Cars' sign, 1.8m high x 20m long x 0.2m deep, back illuminated, max font height 1.2m. Blue background, white font. 5.95m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'www.tradecentrewales.co.uk' sign, 1.8m high x 20m long x 0.2m deep, back illuminated, max font height 1.1m. Blue background, white font. 5.95m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'Showroom Entrance this Way and TCW logo' sign 0.89m high x 5.95m long x 3mm deep, not illuminated, max font height 0.15m. Blue background, white font. 3.1m from ground to underside of sign. Material plastic.

North Eastern Rear Elevation

- One 'Probably the UK's Cheapest Cars' sign, 1.8m high x 20m long x 0.2m deep, back illuminated, max font height 1.2m. Blue background, white and red font. 5.95m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- Two 'Oval TCW logo' signs 2.7m high x 3.74m long x 0.2m deep, back illuminated, max font height 0.18m. Blue background, white font. 5.04m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.
- One 'Trust Pilot 8.9/10 Recommended' signs and small tick logo, 1.8m high x 4.17m long x 0.2m deep, back illuminated, max font height 0.68m. Black background, white and grey font. Logo gold with grey tick. 3.69m from ground to underside of sign. Casing - powder coated aluminium, facing - flex face skin.

Free Standing Sign on Approach to Site Entrance

Please refer to drawing 10.135.200 for sign location within the site and drawing 10.135.205 for sign detail.

- Sign N - One 'Welcome to TCW (logo) Open 7 Days a Week, Drive Away in 1 Hour' sign, 1.5m high x 1.8m wide x 3mm deep fixed to two posts elevated 0.8m above ground level. Non illuminated, max font height 0.15m. Blue background and white front to top part of sign and red background and white font to bottom part of sign. Material plastic.

Free Standing Flag Poles

Please refer to drawings 10.135.200 and 10.135.201 for flag locations within the site and drawing 10.135.205 for flag detail. Flag poles are not illuminated.

- Three 'TCW logo' flags 1.35m high x 2.7m long attached to 8m tall white flag poles. Max font height 0.08m. The flags have a white background with blue logo and white font. These are located in three different areas on the site in groups of three with a Welsh dragon flag and Union Jack flag. Material polyester.

Lighting Column Signage

Please refer to drawings 10.135.200 and 10.135.201 for signage locations within the site, and drawing 10.135.202 for sign detail. All signs to lighting columns are not illuminated.

- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.46m above ground level.

- One double sided vinyl 'Drive away with just a £99 deposit and TCW logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo, blue, red and white font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl 'Drive away in 1 Hour and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.13m. Red background, blue logo and white font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl 'Probably the UK's Cheapest Cars and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.17m. Blue background, white and red font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl '£1000 Says we Wont be Beaten on Price and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.14m. White background, blue logo, red blue and white font. Top of sign located 4.46m above ground level. 2.96m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Drive away with just a £99 deposit and TCW logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo, blue, red and white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.

- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Drive away in 1 Hour and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.13m. Red background, blue logo and white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Over 1000 Cars in Stock and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.13m. White background, blue font, blue logo, white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Trust Pilot, Over 100,000 Customers Can't be Wrong and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.10m. White background, blue and black font, blue logo, white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Probably the UK's Cheapest Cars and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.17m. Blue background, white and red font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.

- One double sided vinyl 'Trust Pilot, 8.9/10 Recommended and TCW Logo' sign, 1.5m high x 0.6m wide, max font height 0.16m. White background, green and black font, blue logo, white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl '£1000 Says we Wont be Beaten on Price and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.14m. White background, blue logo, red blue and white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Triple Oval TCW' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.18m. White background, blue logo with white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.
- One double sided vinyl 'Trust Pilot, 8.9/10 Recommended and TCW Logo' sign, 1.5m high x 0.6m wide x 3mm deep, max font height 0.16m. White background, green and black font, blue logo, white font. Top of sign located 4.10m above ground level. 2.6m from ground to underside of sign.

Entrance Archway Signage

Please refer to drawing 10.135.200 for signage location within the site, and drawing 10.135.203 for sign detail.

All signs are illuminated and have a static illuminance level of 11000cd/m.

Signs made from powder coated aluminium and face flex skin.

Front (Approach) Elevation

- One arched 'Welcome to the UK's Cheapest Cars' sign, 10.86m wide x 2.42m tall, back illuminated, max font height 0.45m. Blue background, white and red font. 4.07m from ground to underside of sign.
- Two 'Drive Away in 1 Hour' signs, 1.02m wide x 2.93m tall, back illuminated, max font height 0.24m. Red background, white font. 1.15m from ground to underside of sign.

- Two oval 'TCW Logo' signs, 1.02m wide x 0.87m tall, back illuminated, max font height 0.05m. Blue background, white font. 0.28m from ground to underside of sign.

Rear (Exit) Elevation

- One arched 'Thank You for Visiting' sign, 10.86m wide x 2.42m tall, back illuminated, max font height 0.55m. Blue background, white font. 4.07 from ground to underside of sign.
- Two vertical strips of '5no. TCW Logos', 1.02m wide x 3.8m tall, back illuminated, max font height 0.05m. Blue background, white font. 0.28m from ground to underside of sign.

Side Elevation 1

- One vertical strip of '5no. TCW Logos', 0.96m wide x 3.8m tall, back illuminated, max font height 0.05m. Blue background, white font. 0.28m from ground to underside of sign.

Side Elevation 2

- One vertical strip of '5no. TCW Logos', 0.96m wide x 3.8m tall, back illuminated, max font height 0.05m. Blue background, white font. 0.28m from ground to underside of sign.

Internal Elevation 1

- One vertical strip of '5no. TCW Logos', 0.96m wide x 3.8m tall, back illuminated, max font height 0.05m. Blue background, white font. 0.28m from ground to underside of sign.

Internal Elevation 2

- One vertical strip of '5no. TCW Logos', 0.96m wide x 3.8m tall, back illuminated, max font height 0.05m. Blue background, white font. 0.28m from ground to underside of sign.

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APPLICATION NO: 17/0365/16 (PB)
APPLICANT: Brynna Properties Co Ltd
DEVELOPMENT: Application for Approval of Reserved Matters to construct 17 no. dwellings.
LOCATION: LAND AT BRYNNA WOODS, ADJOINING BRYNNA ROAD, BRYNNA, LLANHARAN
DATE REGISTERED: 27/03/2017
ELECTORAL DIVISION: Brynna

RECOMMENDATION: Approve

REASONS:

The application is considered acceptable as it involves a second phase of a wider residential development that already benefits from an outline planning permission at this location. Also, the design, layout, scale, character and appearance of the proposal reflect those characteristics of the first phase and are a logical progression towards implementation and completion of development of the whole site at the western end of Brynna Woods. The proposal does not adversely affect the landscape interests and its consequences for ecological interests of species and habitat are capable of being mitigated and managed via conditions. Access, parking, highway safety and drainage matters are adequately addressed. The proposal therefore satisfies the relevant policies (AW5, AW6, AW8 and AW10) of the Local Development Plan.

APPLICATION DETAILS

Reserved matters approval is sought for the development of 17 houses and associated works on land at Brynna Woods, Llanharan. The application land benefits from outline planning permission granted on 18 October 2007 (application ref: 07/0042) and renewed on 13 September 2016 via a Section 73 application (ref: 16/0311). Pursuant to outline planning permission 7 houses have been completed as Phase 1 (application ref: 09/0328) and the development is known as The Green. Phase 2 is to comprise a development of a further 22 houses, of which 5 houses are under construction as an initial phase (application ref: 15/1305). The present application seeks reserved matters approval for the appearance, landscaping, layout and scale of the remaining 17 houses within Phase 2: means of access previously having been considered and approved as part of the outline consent.

In detail, the application is for the development of 17 detached houses as a final part of Phase 2 of Site A (Brynna) that covers a total area of 2.03 hectares located at the western end of Brynna Woods / Llanharan Marsh. The layout and appearance of the development adopts the principles of the of the of the completed and under-construction development, comprising detached four-bedroom houses of three contemporary types set within spacious plots spacious with parking and private garages. All of the houses will be finished in a combination of facing brickwork, render, timber cladding and with standing seam metal roof coverings. All of the houses will be two storeys and will not exceed 8.3m in height to the highest point of the roof.

Access to the development will be formed as an extension of the existing site access off Brynna Road constructed as part of Phase 1.

In addition to detailed plans of the houses the application is accompanied by a Dormouse Method Statement, Bat and Otter Survey, Ecological Management Plan, and Addendum to Ecological Management Plan.

SITE APPRAISAL

The application proposal is vacant land opposite the Phase 1 development to the north, Brynna Woods/Llanharan Marshes nature reserve to the east, and the Cardiff – Swansea railway mainline to the south. The site is partly overgrown, especially along the southern boundary, though the northern part of the site is disturbed as a consequence of the commencement of works of development to construct the first 5 houses as part of the Phase 2 scheme, partly overgrown with vegetation and slopes gently to the south. Access to the site is gained via a highway off Brynna Road that serves the first phase of development (The Green), Brynna House and the adjacent nature reserve.

PLANNING HISTORY

16/0311	Site A: land at Brynna Woods, Brynna Road; & Site B: land south of Bethlehem View, Llanharan	Section 73 application: Variation of condition 14 (foul water drainage) of outline planning permission (ref:07/0042) for residential development.	Approved 13/09/16
15/1305	Land at Brynna Woods, Brynna	Application for approval of reserved matters for 5 dwellings on Phase 2.	Approved 22/04/16
09/0328	Land at Brynna Woods, Brynna	Application for approval of Reserved Matters for 7 dwellings on Phase 1.	Approved 05/06/09
08/1140	Land at Brynna	Application for approval of Reserved	Approved

	Woods, Brynna	Matters for 9 dwellings on Phase 1.	07/08/08
07/0042	Site A : Land at Brynna Woods, adjoining to Brynna Road, Llanharan. Site B: land South of Bethlehem View, Llanharan	Residential development (Outline - 2 sites)	Approved 18/10/07

PUBLICITY

Residents of neighbouring property have been notified of the application which also has been the subject of notices posted on site.

One email of response from a member of the public expressing the following concerns:

- Proposed development will cause significant disturbance to wildlife habitat at Brynna Woods.
- With the massive Parc Llanilid development to have a significant impact on already over-stretched local facilities, a moratorium on development should be put in place until the planned Llanharan Bypass is built.

CONSULTATION

Transportation Section - no objection subject to conditions.

Flood Risk Management – no adverse comment, drainage condition recommended.

Public Health & Protection – no comments received.

Ecology, Parks & Countryside – a management plan for the Dormouse corridor, with specified management, monitoring and reporting requirements, will be required. The agreement/plan will need to successfully cover the process of land ownership responsibility shifting from the developer to the residents and how the commitments to management responsibility/functions transfer under such arrangements

Natural Resources Wales – requires the following:

- development to be implemented in accordance in accordance with the submitted Dormouse Method Statement;
- prevention of development works which could affect site vegetation until a site licence has been issued to the applicant by NRW pursuant to the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to go ahead;

- Management of the site boundaries and Dormouse 'Run' to be secured through the permission granted.

Network Rail – no reply.

Dwr Cymru/Welsh Water – no objection subject to compliance with the requirements of drainages conditions imposed on the outline planning permission and recommended by way of our previous consultation response dated 28th April 2016.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within settlement limits of Brynna and is in part comprises the Brynna Woods and Llanharan Marshes Site of Importance for Nature Conservation (policy ref: AW8.174).

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

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

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

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

Policy AW8 - requires development proposals to avoid harming natural heritage and biodiversity of the county borough.

Policy AW10 – development proposals will not be permitted where they would cause unacceptable harm to health and/or local amenity and public health or safety because of an identified risk such as water pollution.

Supplementary Planning Guidance (SPG)

Nature Conservation (March 2011)

National Guidance

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

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

Other relevant policy guidance consulted:

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

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:

Planning history and policy context

The application site lies within the settlement boundary of Brynna as defined in the Rhondda Cynon Taf Local Development Plan and benefits from an outline planning permission for residential development first granted in 2007 and renewed in September 2016. In the meantime, Reserved matters approvals have been granted for 7 dwellings which are completed and occupied, and for another 5 presently under construction on the land at the western end of Brynna Woods. The current proposals for a further 17 dwellings as the remainder of second phase of the Brynna Woods site is therefore a logical step and progression towards development of this part of the approved site. Therefore, in principle the proposal is acceptable subject to there being no overriding conflict with the other material considerations discussed below.

Design, layout, scale, character and appearance

The design, layout, scale, and appearance of the proposed second phase of development are essentially the same as those of the contemporary and high-calibre finishes to the first phase and therefore will share its characteristics. In respect of these considerations the proposal is in accordance with Policies AW5 and AW6 of the Local Development Plan.

Landscaping and ecology

Part of the application site lies within the Brynna Woods and Llanharan Marshes Site of Importance for Nature Conservation. The overwhelming majority of the land covered by this designation is in the ownership and management care the Wildlife Trust of South and West Wales. As well as being ecologically rich and varied the habitat also hosts Dormouse (*Muscardinus avellanarius*), which is a European Protected Species. In acknowledgement of the ecological importance of the habitat fringing the proposed development site the application is accompanied by an

ecological management plan, bat and otter surveys and Dormouse method statement.

Given the ecological sensitivity of the land fringing the application site NRW has expressed significant concerns with the development as submitted. NRW has stopped short of objecting to the proposals provided an agreement is reached that the Wildlife Trust of South and West Wales (WTSWW) will manage the land to the south of the residential area (identified as the 'Dormouse Run' / Wildlife Planting Provision on the submitted drawings) in the long term on behalf of the applicant / developer. This matter has been the subject of considerable discussions and negotiations involving NRW, the applicant, WTSWW and Council officers. The result of these is that a position has been reached between the applicant and the WTSWW that is agreed it is essential that an effective managed corridor of habitat is retained south of the development. The Wildlife Trust is open to discussions in assisting the management of this habitat for Dormouse to deliver proper aftercare which it would see as a separate arrangement to that which takes place on its adjacent reserve, and is suggested could be arranged under a management agreement. Such an agreement will need to be in the form of a management plan with specified management, monitoring and reporting requirements. Also, it will need to cover the process of land ownership responsibility shifting from the developer to the residents and how the commitments to management / aftercare transfer under such an agreement. In the event of planning permission being granted a planning condition is suggested that will require the submission and approval of a management agreement in these terms prior to the commencement of development.

Other matters raised by NRW require that the submitted Dormouse method statement is implemented as part of the development; no development and site vegetation clearance is undertaken until a European Protected Species License is obtained; and management of the site boundaries across the whole development site is to be maintained as suitable for Dormouse. All of these requirements are capable of being secure via suitably worded conditions.

Taking all of the above matters into account it is concluded that the proposed development will not be harmful to the sensitive ecological interests of the site and surroundings, therefore satisfies Policy AW8 of the LDP.

Access and highway safety

The application site is accessed by the existing 'The Green' internal spine road which has a carriageway width of 5.5m and 2m wide footways either side. The development will involve the extension of the carriageway and footways to form a loop serving the 17 dwellings either directly or via private shared access serving groups of up to 5 dwellings.

The access is considered acceptable subject to design detailed design, which is secured through a highways condition attached to the underlying outline planning permission for this development. Parking provision to serve the development also is

considered adequate. Accordingly the proposal has attracted no objection from the Transportation Section and satisfies Policy AW5 of the LDP in respect of access and highway safety considerations.

Drainage

The current outline planning permission for residential development of this site is subject to the following drainage conditions (12 and 13 of app ref: 16/0311):

'No development or phase thereof shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface water by sustainable means. Thereafter the scheme shall be implemented with the approved details prior to the occupation of the any dwellings and no further foul, surface and land water shall connect directly or indirectly with the public sewerage system.'

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

'Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at either:

(a) the 900mm public combined sewer between manholes reference SS95791901 and SS95791902 as shown on the Public Sewerage Record, or (b) another point of connection on the public sewerage system in conjunction with the delivery of a surface water removal scheme that shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the connection shall be made following the implementation of the agreed surface water removal scheme.'

Reason: To prevent hydraulic overloading of the public combined system, to protect the health and safety of the existing residents and ensure no detriment to the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.'

The existing sewer is at capacity therefore these conditions were applied and no development can occur over and above Phase 1 without either of the mitigation measures required by these conditions being first carried out. Dwr Cymru/Welsh Water is still of this view in its response to the present application.

The developer has stated that the cost of installing the required link is prohibitive therefore he is investigating other options to deal with the foul flows. The current capacity issue arises because the sewer is combined with both foul and surface water flows running into it. In light of this the applicant is looking at trying to take some of the significant surface water flows that affect the area out of the system thereby freeing up capacity for foul flows generated by the currently proposed Brynna Woods development and later phases also. The best option for doing this

currently seems to relate to Brynna Primary School, the hard standing associated with which generate a significant amount of surface water flows that go into the combined sewer. The applicant is currently working to implement proposals that would divert these flows into a separate attenuation system within the school grounds or possibly as part of the Brynna Woods site if a suitable connection can be found. Whichever of the foul drainage options is ultimately pursued and implemented, development of Phase 2b is bound by the requirements condition 14 of the outline permission, and on this basis there is no conflict with Policy AW10 of the LDP.

OTHER ISSUES

In terms of the issue raised in the representations from a member of the public about the potential for disturbance to wildlife in Brynna Woods it is worth reiterating that the designation of Brynna Woods and Llanharan Marsh as a nature reserve was secured on the back of the planning permission for housing development each end of the site. Notwithstanding, as noted earlier in this report the development seeks to retain and maintain wildlife habitat on the periphery, particularly with the needs of Dormouse in mind.

Turning to the issue of impact of development pressure on local facilities in Brynna and surrounds, the present application relates to a comparatively small housing development in the context of much larger schemes, such as Llanilid, and is pursuant to an outline permission granted over 10 years ago. The prospect of this development has therefore been anticipated prior to the adoption of the current Local Development Plan.

CIL

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

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

Conclusion

The application is considered acceptable as it involves a second phase of a wider residential development that already benefits from an outline planning permission at this location. Also, the design, layout, scale, character and appearance of the proposal reflect those characteristics of the first phase and are a logical progression towards implementation and completion of development of the whole site at the western end of Brynna Woods. The proposal does not adversely affect the landscape interests and its consequences for ecological interests of species and habitat are capable of being mitigated and managed via conditions. Access, parking, highway safety and drainage matters are adequately addressed. The proposal therefore satisfies the relevant policies (AW5, AW6, AW8 and AW10) of the Local Development Plan.

RECOMMENDATION: Grant

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Location Plan – drawing number Rio 0237 AS(9)00, dated 14.03.17
 - Proposed site layout (17 units) – drawing number Rio 0237 AS(9)01, dated 14.03.17.
 - Brynna Phase 2: House Type D and D1, Proposed Floor Plans – drawing number Rio 0237 AL(2)20, dated 31.01.17.
 - Brynna Phase 2: House Type C and C1, Proposed Floor Plans – drawing number Rio 0237 AL(2)10, dated 31.01.17.
 - Brynna Phase 2: House Type A, Proposed Floor Plans – drawing number Rio 0237 AL(2)00, dated 31.01.17.
 - Brynna Phase 2: House Type D, Proposed Elevations – drawing number Rio 0237 AE(2)20, dated 31.01.17.
 - Brynna Phase 2: House Type C and C1, Proposed Elevations – drawing number Rio 0237 AE(2)10, dated 31.01.17.
 - Brynna Phase 2: House Type A, Proposed Elevations – drawing number Rio 0237 AE(2)00, dated 31.01.17.
 - Proposed Site Rendered Landscaping Strategy – drawing number Rio 0237 AS(9)11, dated 14.03.17.
 - Proposed Site Landscaping Strategy – drawing number Rio 01237 AS(9)10 Rev A, dated 14.03.17.
 - Proposed Retaining Wall General Arrangement – drawing number 7501/206/Rev P4, dated 07/09/16.
 - Proposed Retaining Wall Sections – drawing number 7501/207/Rev P5, dated 07/09/16.
 - Proposed Retaining Wall Sections (sheet 2) – drawing number 7501/208/Rev P3, dated 16/12/16.
 - Brynna Woods Phase 2: Survey for Bats and Otter - David Clements Ecology Ltd, February 2017.
 - Brynna Woods and Llanharan Marsh Nature Reserve: Ecological Management Plan (2017 Update) – David Clements Ecology Ltd, September 2017.
 - Brynna Woods Phase 2: Addendum to Ecological Management Plan – David Clements Ecology Ltd, June 2017.
 - Dormouse Method Statement titled 'Phase 2B Works at land to West of Brynna Woods, Version 1, dated 22nd March 2017.

Reason: To ensure the development is carried out in compliance with the approved plans and documents.

2. No development shall commence until samples of the external materials to

be used for the development, including those for the retaining walls, have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

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

3. No development shall commence until detailed design and structural calculations of the proposed retaining walls to be erected at the site have been submitted to and approved by the Local Planning Authority. The retaining walls shall be constructed in accordance with the approved details prior to occupation of the dwellings.

Reason: To ensure the structural adequacy of the retaining walls and in the interests of visual amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until a Management Agreement for the Dormouse Run / Wildlife Planting Provision corridor, as identified in the Proposed Site Landscaping Plan (Drawing Number Rio 0237 AS(9)10 Rev A, dated 14.03.17), has been submitted to and approved by the Local Planning Authority. The Management Agreement shall include a management plan of the area, consistent with the needs of Dormouse in the long term, with specified management, monitoring and reporting requirements, and the management responsibilities of all responsible parties, including residents and land owners. The Management Agreement as might be approved shall be implemented from the commencement of development and thereafter shall operate in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of maintaining the favourable conservation status of Dormouse in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development, and any works which could affect on-site vegetation, shall commence until the Local Planning Authority has been provided with a licence that has been issued by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity to go ahead.

Reason: In the interests of maintaining the favourable conservation status of Dormouse in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until a landscaping management and maintenance plan for the peripheral site boundary features all across the Phase 2B site as suitable for the Dormouse has been submitted to and approved by the Local Planning Authority. The landscaping management and maintenance plan shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and maintaining the favourable conservation status of Dormouse in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan. (*Refer to Informative Note 5 below for guidance*).

7. The dwellings shall not be occupied until an area for the parking of vehicles has been laid out in accordance with the approved plans (drawing number AS(9)01) and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

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

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

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

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

- The means of access into the site for all construction traffic,
- The parking of vehicles of site operatives and visitors,
- The management of vehicular and pedestrian traffic,
- Loading and unloading of plant and materials,
- Storage of plant and materials used in constructing the development,
- Wheel cleansing facilities,
- The sheeting of Lorries leaving the site.

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

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

10. The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:

- Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- Park and Ride/Park and Share facilities and associated costs and restrictions on use of such facilities;
- Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
- Local and national cycle routes; and
- Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/1059/10 (PB)
APPLICANT:	Formaction Limited
DEVELOPMENT:	Application for the erection of Class B1/B2/B8 units and associated parking and servicing. (Flood Consequences Assessment received 16/11/17).
LOCATION:	UNIT 12, HEPWORTH BUSINESS PARK, TALBOT GREEN, PONTYCLUN, CF72 9DX
DATE REGISTERED:	05/10/2017
ELECTORAL DIVISION:	Llanharan

RECOMMENDATION: Approve

REASONS:

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

APPLICATION DETAILS

Full planning permission is sought for the erection of an industrial building and associated parking and servicing development on land at Hepworth Industrial Park, Coedcae Lane, Pontyclun. The development is the sixth phase of the redevelopment of this site that was formerly occupied by a concrete manufacturing plant. The current proposal would see the development of land within the site currently used as a secure compound for the storage of portacabins and shipping containers. The site will be redeveloped in a very similar manner to the previous phases. It would comprise of the construction of a new industrial building which will be subdivided to provide 6 units of business accommodation at the site. The building will match those of earlier phases of development on the site, and be almost identical in size and design in terms of their width at 19.65m in width and height at 8.37m to ridge. The building will be 89.16m in length and will provide an overall total of 1831 square metres of floor space. The building will be finished in colour-coated metallic cladding. The application indicates a total of 18 car parking spaces and 7 disabled spaces will be provided to serve the development, plus 12 spaces for larger vehicles, and a 6 cycle capacity cycle store. Turning facilities will available within the access/service courtyard to be laid out around the building and tied in with previous phases.

The application is accompanied by the following:

- Design and Access Statement.
- Geo-environmental Site Assessment Report.
- Pre-application Publicity and Consultation Report.
- Coal Mining Report and associated correspondence.
- Flood Consequences Assessment.

SITE APPRAISAL

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

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

PLANNING HISTORY

17/0399	Unit 10, Hepworth Park, Coedcae	Proposed erection of Class B1/B2/B8 units and associated external	Approved 25/07/17
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	Lane, Pontyclun	alterations (Unit 10)	
15/1417	Hepworth Park, Coedcae Lane, Pontyclun	Development of Class B1, B2 and B8 units with associated external alterations (Phase 4)	Approved 27/01/16
11/1431	Hepworth Park, Coedcae Lane, Pontyclun	Development comprising 2 buildings for Class B1, B2 and B8 Use (Phase 3)	Approved 06/08/15
09/0036	Land at Pontyclun Works, Coedcae Lane, Pontyclun	Development comprising 3 buildings (B1, B2 and B8 use) with on site car parking(amended description 06/04/10 - retention of building as built and amendments to design and siting of remainder of development)	Granted 21/07/11
07/1539	Hepworth Ind. Park, Coed Cae Lane, Pontyclun	Erection of 1 unit B2 General Industrial Building and Internal Offices	Granted 07/03/08

PUBLICITY

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

There has been no response to this publicity.

CONSULTATION

Transportation Section – no objection subject to conditions.

Flood Risk Management – drainage condition recommended.

Public Health and Protection – no adverse comments.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no objection.

Coal Authority – no objection.

Parks, Countryside and Ecology – no comments received.

Western Power Distribution – applicant will need to apply to WPD for electrical services.

Wales and West Utilities – indicates the position of gas distribution apparatus in proximity to the site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within settlement limits and is unallocated.

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

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

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

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

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

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

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

Planning Policy Wales

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

Further relevant policy guidance is found in TAN 12 Design and TAN 15 Development and Flood Risk

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Relationship to local development plan policies

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

Ideally, an outline approval for the redevelopment of whole of the Hepworths site would provide the framework within which the current proposal could be considered. In the absence of that, the current application must be considered as a piecemeal proposal on its own merits. From examination of the applicant's conceptual master plan for the redevelopment of the overall site (submitted as part of the planning application for the first phase of redevelopment) it is evident that the proposal for this new unit broadly fits the applicant's envisaged concept for the layout of the whole of the Hepworths site and pattern of the previous phases. Therefore, the current proposal does not conflict with the scale and layout of development undertaken so far.

Design and appearance of the development

In terms of the design and visual appearance of the development, the proposed building will be similar in scale and external finishes to the units already completed on phases 1, 2, 3 and 4, and planned for phase 5 of the site. The design is relatively simple and functional, though the colour-coated external finishes and shallow-pitched roofs would give the buildings a modern hi-tech appearance that is considered appropriate in its context in accordance with Policies AW5 and AW6 of the LDP.

Transportation issues

Previous phases of the Hepworths site are served by a new access off Coedcae Lane. This access is to be extended to serve this latest proposed development, together with a space for turning and off-street parking. There is no highway objection to the configuration of the proposed access, parking and vehicle circulation

areas in principle, therefore the proposal is in compliance with Policy AW5 of the LDP in regard of these matters.

Contamination and pollution control

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

Drainage

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

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

Noise and Neighbouring Amenity

Hepworth Business Park is located at the heart of the Coedcae Lane Industrial Estate, an extensive complex of commercial and industrial premises. There are two dwellings and a small motel elsewhere along the road frontage at the opposite end of

Hepworth Park to the location of the proposed Phase 6 development. Several properties that were once in use as dwellings and still present an external appearance of being in such use lie much nearer to the application site, but are now in use for commercial purposes. Given that this phase of the Hepworth Park development is actually quite remotely situated in relation to residential property it is considered unnecessary for a construction hours condition to be added to a planning permission.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

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

RECOMMENDATION: Grant

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

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

2. The development shall be carried out in accordance with the following approved plans and documents:
 - Unit 12, Hepworth Park - Site Location Plan (Drawing number 716030/3).
 - Unit 12 Hepworth Park – Proposed Industrial Unit – layout plan (drawing number 716030/2).
 - Unit 12 Hepworth Park – Proposed Industrial Unit – plans and elevations (drawing number 716030/1).
 - Flood Consequences Assessment – Unit 12, Hepworth Park, Coedcae Lane, Talbot Green – Marsden Associates Report MA/PC/05 revised

(dated November 2017).

- Geoenvironmental Site Assessment Report – Hepworth Park, Coedcae Lane, Pontyclun – Ground Investigations (Wales) Ltd Report dated 16 May 2016.

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

3. Access, parking and turning facilities shall be laid out as shown on the layout plan (drawing no: 716030/2) and not thereafter be used for any purpose other than the parking and turning of vehicles.

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

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

- The means of access to into the site for all construction traffic
- The parking of vehicles of site operatives and visitors
- The management of vehicular and pedestrian traffic
- Loading and unloading of plant and materials
- Wheel cleansing facilities
- The sheeting of lorries leaving the site

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

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

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

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

6. If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until

the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

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

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APPLICATION NO: 17/1147/15 (JAW)
APPLICANT: Trivallis
DEVELOPMENT: Variation of Condition 2 of planning permission 15/1057 -
Erection of 8 affordable residential flats, car parking,
landscaping and associated works - Land off Forge
Lane, Pentre.
LOCATION: LAND AT FORGE LANE, PENTRE, CF41 7AE
DATE REGISTERED: 25/10/2017
ELECTORAL DIVISION: Pentre

RECOMMENDATION: Approve

REASONS FOR RECOMMENDATION

The principle of the proposed development has been previously approved under reference 15/1057 and the proposed changes would be acceptable in terms of both the impact on neighbouring residential amenity and the character and appearance of the area. There would also be no additional impact on highway or pedestrian safety. The application is considered to comply with the Local Development Plan and would provide eight affordable units in the area where there is an identified need.

REASON APPLICATION IS REPORTED TO COMMITTEE

The Local Ward Member Councillor Shelly Rees-Owen has requested the application be brought before Committee due to the concerns of residents.

APPLICATION DETAILS

Planning permission was granted for the development of two residential blocks comprising eight affordable 1 bed apartments, car parking, landscaping and associated works on land at Forge Lane, Pentre by virtue of planning application reference 15/1057.

Planning consent is sought to vary the approved plans in line with the requirement of Welsh Government to enable the social housing grant for the development to be approved. The proposed amendments include:

- An increase in the number of external bin stores and associated re-positioning of external bin stores
- Re-positioning of entrances to blocks A and B
- Re-positioning and minor amendment to size of window openings
- Internal re-configuration of floor space on ground and first floors
- Re-positioning of cycle storage

SITE APPRAISAL

The application site comprises vacant land located to the western side of Forge Lane. The site is flat and open, albeit a steep bank occupies the western boundary at its rear. The immediate surrounding area is characterised by modern detached and semi-detached houses opposite the site in Forge Lane; otherwise neighbouring development is generally more traditional two-storey housing.

To the rear of the site and located at a higher level is Pentre Park. Immediately above the site is the access to the Parks Depot for the Rhondda.

Vehicular access is via a one-way system via Forge Street onto Forge Lane.

PLANNING HISTORY

15/1057	Erection of two residential blocks comprising eight affordable apartments, car parking, landscaping and associated works	Approved 24/02/16
10/0885	Construction of 4 semi-detached houses	Approved 23/11/10

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. One letter has been received raising the following concerns:

- Increase in traffic and insufficient parking which has been made worse since the refurbishment of the 3G pitch. Almost every day cannot park car in own driveway as a result of cars parked everywhere.
- Due to number of parked vehicles a fire engine would have no access.
- Child pedestrian safety as more children walk through the street since the refurbishment of the 3G pitch.

- More flats in Pentre ward would adversely impact on the neighbourhood
- privacy

CONSULTATION

Transportation Section – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is identified as within the residential settlement boundary of Pentre and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities.

Policy CS4 – housing requirements.

Policy AW1 – states that provision will be made for the development of new dwellings including, the development of unallocated land within the defined residential settlement boundaries.

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

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

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

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

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

Policy NSA12 – Development within and adjacent to settlement boundaries.

Planning Policy Wales

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

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 9 (Housing), Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

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

- Manual for Streets
- Supplementary Planning Guidance: Development of Flats

REASONS FOR REACHING 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 principle of the proposed development has been established under the grant of planning permission for the erection of two residential blocks comprising eight affordable apartments, car parking, landscaping and associated works, reference 15/1057. However, the implementation of the approved development is the subject of Welsh Government funding which has requested some minor changes to the approved scheme to enable the social housing grant to be approved.

The current application is considered to be fundamentally the same as the previously approved scheme and the main considerations of the proposed changes are the impact on neighbouring residential amenity, the impact on the character and appearance of the surrounding area and on highway and pedestrian safety.

Impact on neighbouring occupiers

The proposed changes include removing two front entrance doors and replacing them with a porch located on the side elevation of each building and the replacement of the front elevation first floor two pane windows with three pane windows. The four windows on the front elevation will also be slightly realigned and will serve living rooms as opposed to the previously approved windows serving four bedrooms. Although it is acknowledged that there may be a perceived feeling of an increase in loss of privacy from windows serving living rooms as opposed to previously approved bedrooms the separation distance of 18.5m between the habitable room windows in 3 Forge Lane and two of the proposed windows will remain the same. It is not considered that the proposed changes would have an unacceptable impact on the residential amenity of neighbouring dwellings.

The principle of erecting eight flats at this location has already been established and therefore the proposed changes to the previously approved scheme would have no additional impact on the number of flats approved in the Pentre area.

Impact on the character and appearance of the area

The scale of the development and the extent of the footprint of the two buildings, with the exception of two additional side entrance porches remains the same as that already approved by virtue of planning permission 15/1057. The external changes to the fenestration of the building are considered acceptable.

The proposed increase to two bins stores per unit and re-positioning of the bin storage areas together with the cycle storage will give the area around the two buildings a haphazard appearance; however, as this will be viewed against the backdrop of a retaining wall it is not considered that the appearance would be unacceptable.

Highways and accessibility

There is no change to the number of proposed parking spaces and cycle storage spaces that will serve the proposed development. The concern raised with regards to difficulty in residents parking on their driveway, the safety of children walking though Forge Lane and the degree of on-street parking blocking access for emergency services appears to be as a result of recent improvements to the nearby 3G pitch and not as a result of the proposed development. The proposed changes to the previously approved development for eight flats on the site will have no additional impact on highway or pedestrian safety.

Other Issues

Issues including ecology and relationship with the park to rear of site were considered as part of the previously approved application and the proposed changes have no impact on these considerations.

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 site lies within Zone 1 of Rhondda Cynon Taf's residential charging zone where a nil charge is applicable and therefore no CIL is payable.

Conclusion

It is considered that the variation of condition application to revise the previously approved plans would not have an unacceptable impact upon the residential amenity of neighbouring properties or on the character and appearance of the area. There

would also be no additional impact on highway or pedestrian safety. The proposed changes are considered acceptable in terms of the impact on the character and appearance of the area. Consequently, the application is considered to comply with the relevant policies 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(s) no(s):

Site Location Plan - Drawing No L502 A200 dated 16/10/17
Existing Site Layout – Drawing No. L502 A201 dated 16/10/17
Proposed Site Layout - Drawing No L502 A203 Rev A – dated 16/10/17
Proposed Ground Floor Plan - Drawing No L502 A204 – dated 16/10/17
Proposed First Floor Plan - Drawing No L502 A205 – dated 16/10/17
Block A Elevations - Drawing No L502 A206 – dated 16/10/17
Block B Elevations - Drawing No L502 A207 – dated 16/10/17
Context Elevations - Drawing No L502 A208 Rev A – dated 16/10/17
Section A-A and B-B Drawing No. L502 A209 – dated 16/10/17
Section C-C –Drawing No. L502 A210 – dated 16/10/17

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.

3. No building operations shall be commenced until samples of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

4. No development shall take place until drainage arrangements for foul and surface water have been submitted to and approved in writing by the Local Planning Authority. No apartment 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. Prior to the development being brought into beneficial use the means of access, together with the cycle stands and car parking facilities shall be laid out in accordance with the submitted plan A203 Rev A dated 16/10/17 and in accordance with materials that have first been approved in writing by the Local Planning Authority.

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

6. No development shall commence until details of the site boundary setback to provide for a 1.2m footway/vehicular crossover including construction details and tie-in details with Forge Lane have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to beneficial occupation of the first apartment.

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

7. HGVs used as part of the construction works shall be restricted to between 09:00 am and 16:30 pm on weekdays, with no deliveries on weekends or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall commence until constructional design details,

including external materials and calculations of the retaining wall has been submitted to and approved in writing by the Local Planning Authority. Development shall be fully completed in accordance with the approved details prior to the first of the apartments hereby approved being brought into beneficial use.

Reason: In the interests of safety and visual amenity in accordance with Policies DCP14, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.
- A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

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

Reason: In the interest of health and safety and environmental amenity

and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the new development will be visually attractive and secure in the interests of amenity and safety in accordance with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall commence until a Wildlife Protection and Mitigation Plan has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan mapping the location of features covered in the Plan;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- A timetable to show phasing of construction activities in relation to protected species
- Details of specific mitigation measures for nesting birds (including built in nest box provision), bats (including built in bat box provision), reptiles and excavation works.
- Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - Specific species and Habitat mitigation measures
 - Provision of training and information to all construction personnel on site.

All construction activities shall be implemented with the approved

details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: In the interests of animal and plant species in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, including a scheme for the replacement of the six cherry trees, which shall include indications of all existing trees (including spread and species) on the land and details of any to be retained together with measures for their protection during the course of development.

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

13. 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 (visual and residential) in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	17/1154/10	(HL)
APPLICANT:	Linc Cymru	
DEVELOPMENT:	Extra Care Housing incorporating 40 new extra care apartments, communal facilities, landscaping and parking provision.	
LOCATION:	27 CLUB STREET, ABERAMAN, ABERDARE, CF44 6TN	
DATE REGISTERED:	30/10/2017	
ELECTORAL DIVISION:	Aberaman North	

RECOMMENDATION: Approve.

REASONS:

The proposed development offers the opportunity to introduce a form of accommodation for which there is an identified high demand across the County Borough given the aging population. The proposal would be developed on a brownfield site, within the defined settlement limits of Aberaman. The extra care facility is considered acceptable in term of the requirements of planning policy and all relating material planning considerations and as such a positive recommendation is made.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

The application seeks full planning permission for the development of a 40 unit, extra care facility (use class C3) on the site of the former Maesyffynnon residential care home, Club Street, Aberaman. The proposal seeks to provide independent apartments within a single building for those aged 50 plus with on site assistance available to residents with decreased mobility or other similar conditions.

The plans detail the development of a T shaped, three storey building. The front part of the building, which would front Club Street, would measure 43.5m wide, 10m deep with a maximum height of 12.3m falling to 9m at eaves level. The rear element of the building would measure 17.3m wide, 53.8m long with a maximum height of 11.65m falling to 9m at eaves level. Externally the building would be finished with a combination of brick, reconstituted stone and render elevations with grey boarding on bay window details and a reconstituted slate tiled roof.

The accommodation mix would comprise 36 No. one bedroom units and four No. two bedroom units arranged over three floors. In addition to the residential units, the plans indicate the provision of a number of communal facilities such as a dining room/ cafe; hair salon; therapy room; lounge; laundry; and winter garden room on the ground floor of the building with an activity room and guest suite provided on the first and second floors respectively. A number of ancillary and service areas such as kitchen; staff room, offices etc would be provided on the ground floor of the building.

The site layout plan indicates that vehicular access would be via the existing entrance in the north-east corner of the site that adjoins with Club Street. This would lead to a parking area, adjacent to the north-eastern boundary, containing 24 parking spaces; a drop off zone; enclosed refuse store; and cycle parking area. A mobility buggy store room would be provided within the building.

A garden area; boules/ petanque court; and an inter-generational garden, to be used in conjunction with Blaengwawr Primary School would be provided to the south-west of the building.

- The application is accompanied by the following:
- Pre-Application Consultation Report;
- Design and Access Statement;
- Geo-technical and geo-environmental desk study report;
- Ecological Appraisal; and
- Tree Survey.

SITE APPRAISAL

The site comprises a roughly square shaped parcel of land extending to 0.46 hectares (1.13 acres), located within an established residential area, with residential dwellings to the north, east and west. The grounds of Blaengwawr Primary School bound the site to the east and south. The residential properties in the area are of varying ages and types ranging from traditional two storey terraces, flats and detached dwellings. Consequently there is no overriding design theme in the area, though the nature of development is largely conventional two storey construction.

Club Street, which defines the site's northern boundary, slopes in a north-easterly direction and is fronted by two storey, terraced houses set at the back of the pavement. To the north-east is an access road (Club Street south) serving the garages and gardens of the properties in Penderyn Place. The site benefits from vehicular access off Club Street, which in turn links with Cardiff Road to the north-east.

The site was formerly occupied by the Maesyffynnon Care Home, which closed permanently in February 2016 and has recently been demolished.

The site and surrounding is located on a gradient falling gently from south-west to north-east. As a result the site is below the properties in Blaengwawr Close and is raised relative to those in Penderyn Place.

PLANNING HISTORY

16/1114	Demolition of buildings	Permission Required 17/11/16
08/0408	Construction of polytunnel for use by residents of Maesyffynnon HFE in conjunction with the pupils of Blaengwawr Primary School	Granted 03/07/08

PUBLICITY

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice.

Two letters of objection have been received, one of which has been submitted on behalf of 40+ residences. The issues raised are summarised as follows:

- Concerns regarding the height and scale of the facility not being in keeping with the area.
- Proposal will result in a loss of direct light, particularly during winter months from November to March. Club Street will be in the shadow of the building during mornings and sunlight will be lost every day during winter after about mid-day.
- The height and proximity of the building closer to the existing properties in Club Street will result in a loss of privacy. A number of houses will be directly overlooked.
- Concerns regarding increased levels of noise and disruption generated by the number of residents at the facility and the additional support services, deliveries and visitors to the site.
- Residents of Club Street, Penderyn Place and Blaengwawr Close already experience parking problems and find it difficult to park in the area. Parking difficulties will be exacerbated by the increased traffic and over spill parking generated by the proposal.
- Proposal will exacerbate difficulties accessing existing garages and driveways to Penderyn Place.
- The junction of Club Street and Cardiff Road is a well known bottle-neck. additional traffic will increase this problem with potential difficulties for current residents and emergency services which regularly attend Blaengwawr Close.

CONSULTATION

Highways - no objection subject to conditions.

Land Reclamation and Engineering - no objection subject to conditions.

Dwr Cymru/Welsh Water - no objection. Foul flows only from the proposed development can be accommodated within the public sewerage system. Surface water must be dealt with by other means such as soakaway or discharge to a watercourse.

Ecology - advice provided and conditions recommended.

Natural Resources Wales - no objection.

Public Health and Protection - advice provided regarding demolition, noise, dust, waste and lighting.

Wales and West Utilities (Gas) - advice provided regarding the position of apparatus.

South Wales Police - no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The relevant policies in the Local Development Plan are as follows:

Policy CS1 sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

Policy CS4 defines the housing land requirements.

Policy CS5 identifies the affordable housing figure requirement over the plan period.

Policy AW1 defines the housing land supply, to be met partly by development of unallocated land within settlement boundaries.

Policy AW2 promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Principal Towns and Small Settlements. The locations should not unacceptably conflict with surrounding uses.

Policy AW5 lists amenity and accessibility criteria that will be supported in new development proposals, giving particular attentions to neighbouring land uses and occupiers. Existing site features of natural environmental value should be retained where appropriate.

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals

Policy AW8 sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

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

Policy NSA10 seeks a minimum density of 30 dwellings per hectare

Policy NSA11 requires development of 10 units or more to provide at least 10% affordable housing

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

The following Supplementary Planning Guidance documents are also applicable,-

- Design and Placemaking;
- Delivering Design and Placemaking - Access Circulation and Parking Requirements;
- Planning Obligations and
- Development of Flats - Conversions and New Build

- Nature Conservation
- Affordable housing

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.

Main Issues:

As detailed above, the application proposes the development of 40 apartments for those aged 50 plus, within a single building on the site of the former Maesyffynnon residential care home. Whilst extra care facilities will be available on site for those with mobility or similar issues, the apartments seek to provide independent units of accommodation and as such fall within use class C3. 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

The site is within the settlement limits of an established residential area, of Aberaman North, as defined by the proposals map of the Rhondda Cynon Taf Local Development Plan and is not allocated for any specific use. The site was formerly occupied by Maesyffynnon residential care home, which has recently been demolished. In such circumstances, residential development would be considered acceptable, subject to the proposal being able to demonstrate compliance with the planning policies that would affect the proposed development.

One of the key requirements of policy is that residential development in the northern strategy area should achieve a density of 30 dwellings per hectare. The current proposal would deliver a density of 87 dwellings per hectare and is therefore compliant with the requirements of policy NSA10 of the Rhondda Cynon Taf Local Development Plan.

Another key requirement, in terms of planning policy is that the site should deliver 10% affordable housing. Although the proposal would be constructed and operated by a private company (LINC Cymru), the Council would retain nomination and occupation rights. As such given the specific nature of the proposed use, which in essence provides a form of social housing, the proposal is considered compliant with the requirements of policy NSA11 of the Rhondda Cynon Taf Local Development Plan.

The site lies within the defined settlement limits and is located approximately 700 metres from the shops in Aberaman and within 90m of a north-bound bus stop on Cardiff Road. Furthermore being mindful of the ancillary facilities proposed as part of the proposal, such as catering kitchen/ cafe, laundry, hair salon and therapy room, the site is considered to be sustainably located.

In conclusion, on this planning policy and principle of development issue, it is considered that the proposed development is compliant with Local Development Plan policies CS1, CS4, CS5, AW1, AW2, AW5, NSA10, NSA11 and NSA12 inasmuch as the issues outlined above relate to those policies and is considered policy compliant against these tests and the broader requirements of Planning Policy Wales.

The key considerations, beyond the principle of development itself with regard to the application are considered to be- the impact on the proposal on the character and appearance on the area; the residential amenity of those living closest to the site; highway safety and impact on the ecology of the area.

Character and Appearance

In comparison to the previous Maesyffynnon buildings, the proposal is significantly larger in height, width and depth and would be positioned closer to the boundaries of the site. As a result, the development would be more apparent and visible in the street scene. Issues relating to the height and scale of the development have been

raised as a concern by local residents. However, as identified above, the area contains a variety of house types and ages and as a result there is no overriding architectural style. Additionally, regard also needs to be had to the presence of other institutional facilities in the area like Blaengwawr Primary School. Whilst the proposed building would be larger than anything in its immediate vicinity, it is considered that the impact of its scale and height would not have so great an impact as to be considered detrimental to the character and appearance of the area.

In comparison to the previous Maesyffynnon buildings, the development would be constructed closer to the northern boundary with Club Street which currently contains a terrace of modest two storey dwellings. However, it is considered that sufficient space and landscaping would be retained around the building to offset the effects of the proposal and prevent the appearance of overdevelopment and the issues that would be associated with that.

On the basis of the above, it is acknowledged that the proposed development would be larger in both mass and scale than anything in the immediate vicinity. However, it is considered that the siting, conventional design and external finish proposed, in association with the landscaping and amenity and parking area provided around the building would prevent the proposal from being so detrimental to the overall character and appearance of the area to warrant refusal of the application on such grounds. As such the application is considered compliant with the requirements of policies AW5, and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential amenity

As specified above the site is located within an established residential area with properties located to the north, west and east of the site with all the proposed residential units being outward facing. In comparison to the previous and more modest Maesyffynnon building, and the now cleared status of the site, the development of a three storey building containing 40 residential units will impact on overlooking and of privacy at a level not previously or currently experienced. Furthermore, the perception of overlooking could be exacerbated by the three storey height of the building. As a result, issues relating to loss of privacy; amenity; increased overshadowing; and loss of light are a significant concern for neighbours.

The plans submitted indicate that a minimum distance of 21m would be maintained between the windows and the closest residential properties in Club Street. With a minimum distance of 32m and 39m maintained between the windows of the development and those of the properties in Blaengwawr Close Penderyn Place respectively. The site layout plan indicates that the boundary fence adjacent to the northern boundary would be repositioned 1m into the site with the adjacent hedge reduced to 2m in height. The western boundary would be replaced with a 1.8m high close boarded fence with 1.8m high railings in the south-western corner, with a full length hedgerow adjacent, on the development side. Whilst the western end of the front element of the building would be positioned 14m to the east of the rear

elevation of the building Blaengwawr Close, it has been determined that the finished floor level of the building would be set 2.4m below that of Blaengwawr Close with no windows proposed in that aspect of the elevation.

Although the development of a building of the mass and height proposed would represent a substantial change to the area that could have an impact on amenity, it is considered that the distances maintained in association with the boundary treatments and landscaping proposed would prevent a level of overlooking or loss of privacy so detrimental that it would warrant refusal of the application on such grounds.

Given the size, scale and position of the building in association with the orientation of the site and the positioning of the closest neighbouring dwellings, it is considered that the proposal will cast a shadow over Club Street to the north with the properties in Blaengwawr Close and Penderyn Place potentially experiencing increased overshadowing during the morning and afternoon respectively. As part of the application, plans have been submitted indicating that the development would not cross the 25 degree light angle line (as set out in the The BRE Report, 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209)) for the ground floor windows in the front elevation of the properties in Club Street. Despite the western end of the front part of the building being significantly closer to the properties in Blaengwawr Close, it has been determined that the reduced floor level relative to those in Blaengwawr Close and the provision of a hipped roof finish, would again prevent the development from crossing the 25 degree light angle for the closest ground floor windows.

Whilst the provision of a building of the size and scale proposed relative to the previous development on the site, would inevitably change the outlook for many of the properties surrounding the site, loss of view is not a material consideration. Being mindful of the set back of the building from the boundaries, the average distances maintained, the relatively low profile of the roof and the reduced finished floor level of the site relative to the properties in Blaengwawr Close and Club Street, it is considered that the level of overshadowing and loss of light experienced would not be so overbearing or detrimental to the residential amenity of those living closest to the site to warrant refusal of the application on such grounds.

In terms of the occupiers of the units, the plans submitted indicate that an area to the south of the building would be retained for private amenity purposes, with an enclosed refuse storage area provided to the northeast of the building within the parking area, with an inter-generational garden provided in the south-western corner of the site to be used in conjunction with Blaengwawr Primary School. In light of the above, the proposal is therefore considered compliant with the requirements of the Council's Supplementary Planning Guidance for flat development.

The proposals include a dinning / café area on the ground floor. This was originally intended for use by occupiers of the scheme and their visitors, but also for members

of the public. Following discussions with local residents during the public consultation 'the café will be open to non-residents, but it will be secured rather than being open to the general public.

In conclusion, it is acknowledged that the development proposed will have an impact on the amenity of existing residents in terms of the potential for increased overlooking, loss of privacy and increased overshadowing, in comparison to the previous development on site. However, it is considered that the impact of such matters is acceptable in planning terms and would not warrant refusal of the application. The proposal is therefore considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

The plans submitted indicate that vehicular access to the site would be gained via the existing Club Street junction that would be upgraded to adoptable standards. Club Street currently experiences congestion due to high on-street car parking demand. As part of the application, the site boundary fronting Club Street would be set back to provide a 7.5m carriageway (2.0m resident parking bay & 5.5m running width) along with 2.0m footway for safe pedestrian access.

As part of the public consultation, residents have raised concerns that insufficient parking spaces are proposed relative to the number of units to be provided, identifying that on street parking in the immediate area is already under considerable pressure and frequently leads to conflict when access to garages and driveways are blocked.

Following consultation, the Council's Transportation Section have advised that the proposed development requires up-to a maximum of 27 off-street car parking spaces with 24 provided (1 service vehicle). Whilst concerns are raised that the proposal is 3 car parking spaces short of the maximum standards, taking into account the sustainable location of the proposal, the provision of secure cycle storage and mobility buggy storage and the potential within the site to provide the additional 3 spaces should the need arise, on-balance the proposal is acceptable.

The Transportation Section have not identified the junction of Club Street and Cardiff Road as problematic.

Being mindful of the alterations to the carriageway proposed, the facilities to be provided and the proximity of the site to bus routes, it is considered that the development would not have such a detrimental impact on the highway safety and free flow of traffic in the area to warrant refusal of the application on such grounds. The proposal is therefore considered as compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Plan.

Other Considerations

Ecology and trees

The site layout and landscaping details submitted, indicate that a number of trees adjacent to the northern, western and eastern boundaries will be removed as part of the development. With the exception of two, the mature trees to the south of the site would be unaffected. The existing hedge line adjacent to the northern boundary would be partially reduced in length and height (to 2m) with a new hedgerow provided inside the close boarded fence adjacent to the western boundary. All the trees and boundary hedges on site have been the subject of a survey by an appropriately qualified Arborist and Ecologist. None of the trees on site are protected by a Preservation Order. Whilst their removal is regrettable, it is considered that the impact would not have a significantly detrimental or permanent impact on the character and appearance of the area and the replacement hedgerow planting would go some way to mitigating for their loss.

The Ecological Appraisal for the site concludes that whilst the hedgerows on site may be used by nesting birds, they are not exceptional examples, have little connectivity with the wider countryside, mainly function as garden boundaries and as such are considered to be of local value only. It is concluded that the site is not significantly constrained for development on ecological grounds and the development is unlikely to have a significant adverse ecological impact beyond the local or site context.

Following consultation the Council's Ecologist has raised no objection to the application subject to the imposition of conditions requiring details of a wildlife protection plan to be submitted. In light of the above the application is considered compliant with the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Affordable Housing.

As specified above, policy NSA11 requires the provision of 10% affordable housing, In this instance, the Council would retain nomination and occupation rights. As such given the specific nature of use, which in essence provides a form of social housing, and the potential to impose a condition on any grant of consent to limit the occupation of the premises to those over 50 years old, the application is considered compliant with the requirements of policy NSA11 of the Rhondda Cynon Taf Local Development Plan.

Public Health & Protection

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal. However, a number of conditions/informative notes relating to the potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the

application have been recommended. Whilst it is inevitable that any development of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that matters such as demolition, noise, dust, disposal of waste and lighting can be more efficiently controlled by other legislation with an appropriate Informative being added to any permission notifying the applicant / developer of the need to comply with legislation.

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 site of the proposed development lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

Based on the above, it is considered that subject to conditions, the development proposed would not have a significantly detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site, highway safety or ecological value of the area. The application is therefore considered compliant with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and recommended for approval subject to conditions:

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
5539/P/0001;
5539-P-0101 Rev B;
5539-P 0700 Rev A;
5539-P-0701 Rev A;
5539-P-0200 Rev A;
5539-P-0201;
5539-P-0202;
5539-P-0203;
5539-W-4400 Rev External materials;
500 RevP2;
5539/P/0600 Rev F; and documents:

Design and Access Statement; Geo-technical and Geo-Environmental Desk Study Report; Ecological Appraisal; and Tree Survey received by the Local Planning Authority on 23rd 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 occupation of the dwellings shall be limited to persons aged 50 and over or a widow or widower of such a person, or any resident dependants.

Reason: To control the occupancy of the units to ensure that they remain available to meet the identified and specific housing need, in accordance with policy CS1 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Wildlife 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 (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed
- d) Details of specific species mitigation measures for reptiles, birds, and bat measures.
- e) Details of the Biodiversity Management Plan.
- f) Details of 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: In the interests of the ecological value of the site in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan

5. Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference number SO00018814 and SO00018801 located in the highway of Club Street and as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

7. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan 500 REV P2 and approved by the Local Planning Authority.

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

8. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the road widening along Club Street including footway provision, turning area, street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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

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

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

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;

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

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

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

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APPLICATION NO:	17/1168/10	(KL)
APPLICANT:	Mr P Eden	
DEVELOPMENT:	Change of Use - A1 to A3. We are proposing to develop the property into a freehouse micro-pub and bottle-shop. Minor changes to the exterior of the premises to include a painted sign and semi-frosted glass. Internally, the only changes will be the addition of a bar and display to the rear, seating, decoration and additional display shelving/fridges.	
LOCATION:	30C COWBRIDGE ROAD, PONTYCLUN, CF72 9EE	
DATE REGISTERED:	13/11/2017	
ELECTORAL DIVISION:	Pontyclun	

RECOMMENDATION: Approve

REASON:

The application site is located within the designated retail centre of Pontyclun with a number of commercial properties with similar hours of opening being located in the immediate vicinity. The proposal is considered to bring a currently vacant unit back into beneficial use and would maintain the centre's position in the retail hierarchy.

Whilst one letter of objection has been received in relation to the proposal, the area immediately surrounding the site is already associated with a greater level of activity than an area characterised by only residential properties and the proposed use would not have such a significant impact on the amenity of the closest residential properties that it would warrant the refusal of the application. The application site is located in a highly sustainable location and no objection has been raised by the Council's Transportation Section.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the conversion of 30C Cowbridge Road, Pontyclun from a retail shop (Use Class A1) to a Freehouse micro-pub and bottle-shop (Use Class A3).

The proposal would not involve any physical alterations to the external fabric of the building, although it is noted that the front window would be replaced with semi-frosted glass and a painted sign would be erected above (the latter may be subject to separate advertisement consent). Internally, the existing layout would be retained with a new bar and display area being positioned towards the rear and seating towards the front.

The micro-pub would promote real ales and locally brewed craft beer, wines and spirit for consumption at the property although it is also intended to sell sealed alcoholic drinks for customers to take away. It would not have any amplified music to encourage conversation.

It is understood that the micro-pub has occasionally been operated on a 'pop-up' basis however this application seeks to make the use permanent. The micro-pub would be open between the hours of 12:00-23:00 Monday to Saturday and between 12:00-10:30 on Sundays and Bank Holidays. One full-time and two part-time members of staff would be employed at the site.

SITE APPRAISAL

The application site relates to a single-storey, detached property which is located within the main retail zone of Pontyclun. Being sited immediately to the rear of no. 30 Cowbridge Road, the property has a frontage directly onto Heol yr Orsaf rather than the main shopping street and benefits from an existing shop front to the principal elevation and a single rear door which opens out onto a small alleyway that is used for waste and recycling.

The surrounding area is predominantly commercial in character with various different commercial uses being located in the main shopping street immediately to the south-east. Pontyclun Community and Day Centre is also located to the north-west of the site on Heol yr Orsaf. There are a number of residential properties located further along Heol yr Orsaf to the north and north-west and in Stuart Street to the north (approximately 50 metres and 40 metres away respectively).

PLANNING HISTORY

07/0869	Rear of Cowbridge Road, New shop unit (amended description) Pontyclun	Granted 13/07/07
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PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of 2 site notices in the vicinity of the site on Heol yr Orsaf. One letter of objection has been received and is summarised as follows:

- This is a residential area;
- I do not want the noise which will travel around the area – people standing outside smoking, drinking etc;
- I do not want to walk to the shop past this as I am disabled – there are also other disabled and elderly residents who walk to the shops;
- We have parking issues that are not being addressed by the Council;
- I doubt elderly people in the community centre want to come out at night to this either;
- With alcohol comes noise and trouble – the premises nor the area are suitable especially in the summer months;
- Youngsters will hang around and younger drinkers bring music and mess etc;
- It will be a noise nuisance and cause parking issues and litter;
- There are pubs in the village closing, I suggest that you recommend they use one of those for their business.

The letter also indicates that the pub has been advertised as being open as a 'pop-up' pub prior to any planning permission being granted. The letter was received before the first 'pop-up' event took place which would have been subject to separate licensing consent.

This application seeks to make the micro-pub a permanent addition to Pontyclun and it should therefore be noted that no further complaints or letters of objection have been received following the 'pop-up' events that have already taken place.

CONSULTATION

Flood Risk Management – no objection or condition suggested.

Public Health and Protection – no objection subject to conditions.

Transportation – no objection or condition suggested.

Dwr Cymru/Welsh Water – no objection subject to condition and advisory notes.

Western Power – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary and is unallocated. It is also located within the designated retail zone of Pontyclun.

Policy CS1 – encourages sustainable growth in the south of Rhondda Cynon Taf through protecting the culture and identity of communities by focusing development within defined settlement boundaries.

Policy AW2 – promotes development in sustainable locations.

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

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

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

Policy SSA16 – sets out the retail hierarchy which identifies Pontyclun as a Local and Neighbourhood Centre.

Supplementary Planning Guidance:

Design and Placemaking

Delivering Design & Placemaking: Access, Circulation and Parking

National Guidance

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

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

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

Other relevant policy guidance consulted:

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the change of use of an existing commercial property from a retail shop (use class A1) to a micro-pub (use class A3). The property is located within the defined settlement boundary and within the boundary of the designated retail centre of Pontyclun. Policy SSA16 identifies Pontyclun as a local and neighbourhood Centre in which proposals for changes of uses within the defined boundaries would be acceptable providing that they would maintain or enhance the centre's position within the retail hierarchy. Consequently, the key issue for consideration is whether the change of use would have a detrimental impact on the centre's position in the retail hierarchy.

National Guidance considers that retail uses (A1) should underpin centres however a lively mix of uses, including A2 and A3, is encouraged in order to promote and improve vitality and viability. The principle of an A3 unit locating within the retail centre is therefore acceptable and encouraged by national policy. Furthermore, the siting of the unit away from the high street appears appropriate for a pub-type establishment as it allows the main high street to maintain a predominantly A1 character while supporting vitality on the periphery of the retail centre.

Pontyclun currently has a vacancy rate of 5% with the vast majority of units being within the A1 use class. The change of use to A3 would benefit the centre as it would increase the retail offer and attract further footfall to this part of town. It is therefore considered that the use would maintain the centre's position in the retail hierarchy. The change of use would also allow a degree of flexibility in as much as the site could revert to A1 or A2 use without the need for further consent.

As such, the principle of the proposal is considered to be acceptable subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The proposal would result in minimal changes to the external appearance of the building, including the replacement of the current opaque glazing in the existing shop front with frosted glass and the erection of a painted sign above. As such, it is not considered that the proposal would impact on the character and appearance of the property or the surrounding area.

Impact on residential amenity and privacy

Whilst it is noted that one letter of objection has been received from a local resident living in Heol yr Orsaf, it is not considered that the proposal would have such an adverse impact on the residential amenity of surrounding residential properties that it would warrant the refusal of the application.

The objector raises concern that the proposed micro-pub is not suitable for a predominantly residential area as it would result in noise and disturbance to local residents. Whilst these comments are appreciated, the application property is located within the designated retail centre of Pontyclun with a number of restaurants, hot food takeaways and late-night convenience stores being located within the immediate vicinity. In addition to this, Pontyclun Community and Day Centre is located between the site and residential properties in Heol yr Orsaf. As such, the area is already associated with a greater level of activity throughout the day and night and residents would therefore not be subject to an unacceptable level of noise and disturbance that would be detrimental to their residential amenity. Furthermore, the proposed use would have reasonable hours of opening (12:00-23:00 Monday – Saturday and 12:00-22:30 Sundays and Bank Holidays) which would be comparable to other units along Cowbridge Road and it is therefore not considered that the level of noise and disturbance would be increased over and above the current situation. However, a condition is recommended to restrict the hours of opening to those specified within the application in order to ensure that the noise emitted from the development is not a source of nuisance to local residents.

The objector also raises concern that the proposed use would attract youngsters which would result in noise and trouble. Whilst this comment is noted, the application site is relatively small with no outdoor space available for use as a beer garden. As

such, the use would predominantly be contained within the building itself and any noise would therefore be kept to a minimum. The applicant has also confirmed that entertainment would be limited to background music only to encourage customers to talk to each other and it is therefore not considered that it would give rise to significant levels of noise and disturbance in this regard.

Whilst it is accepted that some customers will need to stand outside the premises to smoke which may give rise to some noise and litter, it is not considered that this would be to such a harmful level that it would be detrimental to the amenity of the nearest residential properties. The owner/manager of the establishment would be responsible for the management of any noise and litter produced in this respect, however, separate public health legislation is available should complaints be received by the Council.

As mentioned previously in this report, the proposal has previously opened on a 'pop-up' basis over a select number of weekends throughout November and December. It is noted that the letter of objection received in relation to the application was submitted prior to these 'pop-up' events and that no further complaints or letters of objection have been received.

Notwithstanding the concerns raised by the objector, the proposal is considered to be acceptable in terms of the impact it would have on the amenity of surrounding residents.

Impact on highway safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the potential impacts of the proposal on highway safety. The response received acknowledges that the application site is located on Heol yr Orsaf which has a carriageway width of 5.6 metres in addition to a 2.0 metre wide lay-by which is restricted to 30 minute stays Monday to Saturday. Heol yr Orsaf accommodates two-way traffic and incorporates parking restrictions on both sides, protecting its junction with Cowbridge Road (A4222).

The proposal to convert the property to an A3 use would require 4 off-street car parking spaces and there is some concern that no off-street car parking spaces is proposed as part of this application. However, the application site is located in close proximity to a RCT car park which accommodates approximately 50 spaces and is also within walking distance of multiple bus stops and a train station. Whilst it is noted that one letter of objection has been received which raises concern in relation to existing parking issues in the area, the site is located within a highly sustainable location and, given that no objections have been raised by the Transportation Section in this regard, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

Other

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

Public Health

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

Drainage

It is noted that consultation has been undertaken with the Council's Land Reclamation and Engineering Section with a view to assessing any potential impacts upon land drainage. Given that the proposal is for a change of use that would not increase the external hard standing area, no objection has been raised in this regard.

Furthermore, no adverse comments have been raised by Dwr Cymru/Welsh Water.

Other concerns raised by objector

The objector indicates that a number of pubs have closed in the village and therefore suggests that the applicant uses one of those establishments for their business. Whilst these comments are acknowledged, the suggestion for alternative site locations is not a material consideration and the application must be determined on the merits of the details submitted.

Community Infrastructure Levy Liability

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

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

Conclusion

Whilst it is noted there are a number of residential properties located within the wider locality, the application site is located within the designated retail centre of Pontyclun in which there are a number of established commercial uses that have similar hours of opening to the proposed use. As such, the immediate surrounding area is already

associated with greater levels of activity throughout the day and night and it is not considered that the proposal would have such an adverse impact on the residential amenity of surrounding properties that it would warrant the refusal of the application. In addition to this, the proposal would not result in any significant changes to the external appearance of the building, thereby having no impact on the character of the surrounding area. The proposal is also considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

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 and documents received by the Local Planning Authority on 13th November 2017, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Proposed Site Plan;
- Proposed Floor Layout;
- Proposed Elevations.

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

3. The use hereby permitted shall not be operated from the premises except between the hours of:
 - Monday to Saturday 12:00 – 23:00
 - Sundays and Bank Holidays 12:00 – 22:30

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than the micro-pub and bottle shop hereby permitted) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission.

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APPLICATION NO: 17/1201/10 (PB)
APPLICANT: Ms Molly Lai
DEVELOPMENT: Change of use of dwelling house (Class C3) to HMO (Class C4).
LOCATION: 53 KINGSLAND TERRACE, TREFOREST, PONTYPRIDD, CF37 1RX
DATE REGISTERED: 29/11/2017
ELECTORAL DIVISION: Treforest

RECOMMENDATION: APPROVE

REASONS FOR RECOMMENDATION: The dwelling is situated in an area of Treforest where the proportion of house in use as HMOs is about the average figure typically found elsewhere in Treforest. There are local concerns that the development will exacerbate over-concentration of HMOs in Treforest and its various attendant issues. The dwelling is capable of conversion to an adequate standard and has ample refuse storage though parking space accessible by car cannot be provided. Empirical evidence to support a view that the development is harmful to the character, appearance and social cohesion of the locality is currently lacking, therefore on balance the development does not conflict with Policy AW5 of the LDP.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the conversion of a dwelling house (Use Class C3) into a 4 bed house in multiple occupation (Class C4) at 53 Kingsland Terrace, Treforest. The application will not involve any physical changes to either the interior or exterior of the building. The HMO accommodation will comprise 1 bedroom and a communal kitchen, lounge and bathroom facilities on the ground floor, and 3 bedrooms on the first floor.

SITE APPRAISAL

The application property is a middle of terrace house, with a modest rear garden and there is a rear service lane though it is un-mettled and not suitable for use by vehicular traffic therefore appears seldom used. The application property is situated in a primarily residential area of Treforest, which is a ward where a significant number of residential dwellings are in use as HMO's, predominantly occupied by students of the University of South Wales, Treforest campus.

PLANNING HISTORY

None.

PUBLICITY

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

No public response has been forthcoming.

CONSULTATION

Transportation Section - no objection.

Public Health & Protection - reply awaited.

Dwr Cymru/Welsh Water - no adverse comment.

Wales & West Utilities - indicates the position of its gas supply and distribution apparatus in proximity to the application property.

Western Power Distribution Ltd - applicant will need to make sure the development does not affect any electricity supply cables in the locality and will need to apply for any new connection or service diversion to WPD Ltd.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

Supplementary Planning Guidance (SPG)

- Access Circulation and Parking
- Design and Placemaking
- Development of Flats – Conversion and New Build.

National Guidance

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 18: Transport;
Manual for Streets

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The application property is situated in a residential street that lies within the settlement limits of Treforest, as defined in the Rhondda Cynon Taf Local Development Plan. Conversion of the property from use as a single dwelling house in Class C3 to a house in multiple occupation (HMO) in Class C4 in principle does not conflict with development plan policy. Moreover, the Welsh Government's '*Houses in Multiple Occupation: Practice Guidance*' (February 2016) acknowledges that HMOs provide a source of accommodation for certain groups, including students

temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. However, the application property is situated in the Treforest ward which is a locality of Rhondda Cynon Taf where there is a significant concentration of HMOs. In recognition of this situation the Council operates an additional HMO licensing regime under the provisions of the Housing Act 2004. This additional licensing regime is a discretionary one intended to secure satisfactory management and physical standards because of significant and persistent anti-social behaviour with some private sector landlords failing to take action to combat such behaviour.

Looking more closely of the characteristics of the neighbourhood immediately around the application property, it is evident that a number of houses in its vicinity already are in use as HMOs. Of the total of 34 houses within a 50 metre radius of 53 Kingsland Terrace 15 (45%) are licensed by the Council as HMOs and of the 62 houses in the whole of Kingsland Terrace 25 (40%) are licensed HMOs. On this evidence over nearly half of dwellings in the vicinity of 53 Kingsland Terrace are in use as HMOs. In streets closer to the Treforest campus the overall proportion of houses in uses as HMOs typically is around one-third of dwellings, reaching as high as two-thirds in some streets. The proportion of houses in use as HMOs in Kingsland Terrace is comparatively high and gives rise to particular local issues that are material to the consideration of this application proposal. These are discussed in detail below.

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

Whilst there can be little doubt that residents of Treforest face the types of problems described above, determination of this application turns on the specific effects of the change of use of 53 Kingsland Terrace from C3 dwelling to a 4 bedroom HMO in light of the local and national policy context. Policy AW5 of the LDP seeks to ensure that development avoids unacceptable visual effects on the immediate area. This

policy, however, refers to the scale, form and design of proposals, whereas the development relates principally to the change of use of an existing building.

To secure mixed and balanced communities, other Local Planning Authorities have sought to limit HMOs to 10% of all dwellings within certain areas. Whilst it is accepted that there is a significant number of HMOs within the vicinity of the application site, the Council does not yet have a locally defined threshold in policy or guidance, nor empirical evidence to afford weight to the view that the application proposal would, in itself, be harmful to the social cohesion of the area, having regard to the existing profile of the community. Moreover, it is considered that issues such as persistent anti-social behaviour and irresponsible landlords are able to be satisfactorily controlled by the Council's mandatory and additional HMO licensing regimes. In terms of parking congestion concerns, it is acknowledged that on-street parking is at a premium in Kingsland Terrace and that in the case of this application proposal the level of car ownership associated with 4 separate occupiers has the potential to be higher than, for instance, a 3 bedroom property in C3 use. Moreover, whilst there is scope for off-street parking to be provided at the rear of the property due to the un-mettled condition of the rear lane it is highly unlikely a parking space would be accessible by car even if provided. In any event, given the site's proximity to public transport services, shops and facilities it is considered unlikely that the HMO will give rise to a harmful level of additional parking generation that would compromise the safety of vehicles or pedestrians using Kingsland Terrace. Accordingly the application has attracted no objection from the Transportation Section.

Whilst the concerns of about the effects of proliferation and over-concentration of HMOs in Treforest are fully acknowledged, each case must be considered on its own merits. On the basis of the above assessment it is concluded that firm evidence of the likelihood of specific harm to the character, appearance and social cohesion of Treforest capable of being attributed to the proposed conversion 53 Kingsland Terrace to a small HMO is lacking. Therefore, the proposal is recommended for approval.

Other Issues:

Community Infrastructure Levy (CIL) Liability

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

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

Conclusion

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

RECOMMENDATION: Grant

1. The development shall begin no later than five years from the date of this decision.

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

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

- 53 Kingsland Terrace, Treforest – Location Plan.
- 53 Kingsland Terrace, Treforest - Proposed Ground & First Floor Layout Plans.

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

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APPLICATION NO:	17/1240/08 (KL)
APPLICANT:	Morgan Sindall (on behalf of RCTCBC)
DEVELOPMENT:	Proposed erection of 6 no. floodlighting columns and associated works. (The relocation and resurfacing of existing sports pitch, resurfacing of existing emergency access track, replacement of existing fencing and associated drainage infrastructure works are to be commenced under the Permitted Development Order but are included in this application for completeness).
LOCATION:	FERNDALE COMMUNITY SCHOOL, EXCELSIOR TERRACE, MAERDY, FERNDALE, CF43 4AR
DATE REGISTERED:	20/11/2017
ELECTORAL DIVISION:	Maerdy

RECOMMENDATION: Approve

REASONS:

The proposal would provide an upgraded sport facility for use by the school and sports teams in the wider community. The site is located at the rear of the main school building where the floodlights would have a limited impact on the

character and appearance of the surrounding area and upon the residential amenity of surrounding residential properties. Furthermore, no objections have been received from local residents or from the Council's Transportation and Public Health Sections.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning permission is sought for the erection of 6 floodlighting columns and associated works at Ferndale Community School, Excelsior Terrace, Maerdy.

The proposal would involve the existing tennis courts/sports pitches at the rear of the main school building being resurfaced to provide a single 3G playing surface. The floodlighting columns would be erected around the pitch with three along each side.

Each floodlighting column would measure 15 metres in height and would be fitted with 1 downward facing floodlight which would concentrate light on the pitch. The pitch would be utilised by the school between the hours of 09:00 and 15:30 Monday to Friday, however, the floodlights would enable community use between the hours of 16:00 and 22:00 Monday to Friday and between 8:30 and 22:00 on Saturdays and Sundays. The pitch would predominantly be used for football and other sporting activities and would be managed/scheduled for team use rather than on an ad hoc basis.

The proposal to resurface the area with a 3G surface can be carried out under permitted development rights and will therefore not be considered as part of this application. The same can be said for the other associated works listed in the details of the application; the resurfacing of the existing emergency access track, the replacement of existing fencing and associated drainage infrastructure works.

The application is accompanied by the following:

- Ecological Appraisal and Bat Survey;
- Operation Management Plan;
- Floodlighting Specification.

SITE APPRAISAL

The application site relates to a flat area of land which is located at the rear of the main building at Ferndale Community School, Excelsior Terrace, Maerdy. It is currently split between two distinct areas; an asphalt surface which is currently used

as tennis courts and a grassed surface which is currently used for various sports activities. The perimeter of the area is enclosed by 1.8 metre high palisade fencing.

The nearest residential properties to the site are located approximately 125 metres to the south-west in Excelsior Terrace. The site is predominantly screened from these properties by the main school building, although it is noted that properties further along the street may have some views of the field.

PLANNING HISTORY

06/2243	Ferndale Community School	New construction skills centre, with extension to road and 4 additional parking spaces	Granted 08/01/07
02/1788	Ferndale Community School	Proposed refurbishment of central three storey block	Granted 21/01/03

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of site notices along Excelsior Terrace. No letters of objection or representation have been received.

CONSULTATION

Public Health and Protection – no objection subject to conditions.

Transportation – no objection subject to condition.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies inside the defined settlement boundary 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 AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

National Guidance

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), and Chapter 11 (Tourism, Sport and Recreation) 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 16: Sport Recreation and Open Space;

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the erection of 6 floodlights around an existing sports facility at Ferndale Community School. The proposal would enable extended use of the facility by the school and by local sports teams from the wider community. As such, the principle of the proposal is considered to be acceptable subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The application site consists of an established sport facility associated with Ferndale Community School and whilst it is noted that the floodlighting columns would form prominent features within the site, they are modest in terms of their scale and design and it is therefore not considered that they would have an adverse impact on the visual amenity of the site. Furthermore, given the secluded nature of the site at the rear of the main school building, it is not considered that the works would form intrusive features in the locality.

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

Impact on residential amenity and privacy

The site is an established facility that has been used by the school for many years. As such, it is considered that residents of the local area would have become accustomed to the activities generated by the use. However, the proposal would enable the facility to be utilised after the typical school day ends (as late as 10pm) and, given that there are a number of residential properties in the vicinity, it is important to consider the potential impacts of the proposal on the amenities of nearby residents.

The nearest neighbouring properties are located approximately 125 metres away from the facility with views towards the site being predominantly screened by the main school building. Whilst it is noted that the tops of the lighting columns will be visible over the school roof, they would be a sufficient distance away so as to have a very limited impact. In addition to this, the lighting would have directional beams which would concentrate the light on the pitch and which would reduce light spill to the surrounding area. As such, it is considered that the potential impacts upon the amenities of neighbouring properties would be acceptably reduced.

It is noted that no letters of objection have been received from local residents or from the Council's Public Health and Protection Division in this regard. It is, however, considered necessary to append any grant of planning permission with a condition restricting the use of the floodlights to times when the sports pitch is in use and only between the hours specified in the application form (no later than 10pm).

Access and highway safety

The application has been subject to consultation with the Council's Transportation Section with a view to assessing the impact of the proposal on highway safety. The response received indicates that there is ample space within the school curtilage to cater for off-street car parking and the proposal does not alter any existing access. As such, the proposal is considered to be acceptable in this regard. However, the development would result in the erection of 6 no. floodlighting columns and there is some concern that HGV deliveries during the construction period could obstruct the free flow of traffic. A condition has therefore been recommended to restrict HGV deliveries to hours outside of the busiest school hours (i.e. not between 07:30 and 9:00am and not between 14:45 and 16:00pm).

Other Issues:

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

Public Health

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

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

The proposal is considered to represent an appropriate balance between the need to provide an enhanced sporting facility in the local community and the preservation of the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

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 and documents received by the Local Planning Authority on 16th November 2017, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. C-07903-HYD-XX-00-DR-E-0100: Electrical Services, External Lighting Scheme;

- Drawing No. 02: Proposed External Works; Layout and Details;
- Drawing No. 03: Proposed Setting Out;
- Drawing No. 04: Proposed Finished Levels;
- Drawing No. 10: Proposed Drainage Layout and Details;
- Supporting Information: Floodlighting Details.

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

3. The lighting hereby approved, shall only be illuminated when the sports pitch is in use and only between the hours of 15.00 and 22.00, Monday – Sunday, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent light pollution and protect the character and appearance of the surrounding area in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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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

4 JANUARY 2018

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

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