



PLANNING & DEVELOPMENT COMMITTEE

19 JULY 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0310/15 (PB)
APPLICANT: Adrienne Ltd
DEVELOPMENT: Variation of Condition 1 of planning permission
09/1088/15.
LOCATION: OLD SCHOOL SITE, HENDREFADOG, TYLORSTOWN
DATE REGISTERED: 12/04/2018
ELECTORAL DIVISION: Tylorstown

RECOMMENDATION: APPROVE subject to conditions and a Section 106 Agreement

REASON FOR RECOMMENDATION: The proposal seeks to extend the lifetime of extant outline planning permission for residential development of land in order to allow more time for detailed schemes to be formulated and submitted as reserved matters pursuant to that consent. The proposal is for residential development of a 'brown-field' site within settlement limits that will support the settlement of Tylorstown, therefore remains acceptable in principle. As there have been no significant change in the other material considerations – highway access and safety, impact on character and appearance of the locality, affordable housing requirements – since the previous grant of consent in 2015, approval is recommended subject to the conditions and Section 106 Agreement to mitigate the consequences of the development for highway safety and affordable housing provision.

APPLICATION DETAILS AND SITE APPRAISAL

This application is for the variation of condition 1 of outline planning permission 09/1088 which was granted permission on 7th April 2015. The proposal is to extend the period of this outline application to enable a reserved matters application(s) to be submitted within 3 years of the date of the outline permission and development to begin before 5 years from the date of the outline permission. Also, the proposal is also to allow the development of the site to be constructed in phases. The

application is for the residential development of land at Hendrefadog, Tylorstown and measures approximately 5.7 hectares.

The site is located in an elevated position on the hillside above Tylorstown. The majority of the site was formerly a local authority housing estate comprising approximately 90 residential properties until their demolition in March 1998, part of the site at its northern side housed the former Hendrefadog Infants School, which has since been demolished. The remainder of the site, to the south-east, is sloping undeveloped land.

The infrastructure network around the site is still in place, although due to the time period since the site was cleared is in a poor state of repair. The main access to the site is from Brynbedw Road and Vivian Street from the south, there is also a vehicular access to/from Ferndale (with a road link down to Gwernllwyn Terrace) to the northern side of the site. To the south east of the site is the rear of properties in Brynbedw Road and to the east is a children's playground (which since the original 2005 application has been cleared of all the play equipment). A number of steep pedestrian access steps link the site with the retail area of Tylorstown (that is located on the valley floor to the east).

The development of the site for residential purposes includes indicative proposed improvements to the access into the site from Brynbedw Road and this will require part of the garden area at Brynaethnen House being utilised for this purpose. The application also retains proposals to phase the development of the site split into six phases. These are:

- Phase A would be the enabling works, which includes the proposed junction widening between Brynbedw Road, Cynllwyndu and Vivian Street.
- Phases B and C: would be the development of dwellings at the eastern and southern sides of the site (closest to the valley floor).
- Phase D1 would be the main access road and dwellings through the centre of the site:
- Phase D2 would be the development of the former school yard area.
- Phase E would be the development of the dwellings at the western side of the site (furthest from the valley floor).

The proposed phasing of the site would ensure the dwellings nearest the valley floor would be constructed first, this would ensure that should only part of the site become developed, the developed area would not result in piecemeal development on the valley sides.

The minimum and maximum dimensions of the proposed dwellings have been submitted. The length of the dwellings would be between 5.05m and 12.83m, the width would be between 6.06m and 10.57m and the ridge height would be between 7.4m and 11.15m.

PLANNING HISTORY

09/1088	Land at Hendrefadog,	Variation of condition 1 of planning application 05/1769 to enable	Approved 07/04/15
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	Tylorstown	residential development to be undertaken in phases	
05/1769	Land at Hendrefadog, Tylorstown	Residential development (outline)	Approved 02/11/06

PUBLICITY

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

No public response has been forthcoming.

CONSULTATION

Transportation Section – no objection subject to re-imposition of the previous highways conditions.

Land Reclamation & Engineering – no adverse comments.

Public Health & Protection – no adverse comments.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no development shall commence 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 and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and 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.

Parks, Countryside and Ecology – no adverse comment.

Glamorgan Gwent Archaeological Trust – no archaeological objection.

Housing Strategy – Policy NSA 11 of the LDP requires 10% affordable housing provision on residential sites of 10 units or more in the Northern Strategy Area. Based on the findings of the Local Housing Market Assessment 2017/18, it is recommended that 10% Low Cost Home Ownership is secured to satisfy these requirements; comprising an equal number of two and three bedroom houses, built to the same standard as the equivalent open market units and made available for sale to Council nominated first-time buyers from the Homestep Register. The developer's contribution should equate to 30% of the open market value for each

unit; i.e. the nominated purchaser should pay no more than 70% of the open market value per unit (refer to paragraph 4.2 of the Affordable Housing SPG).

Corporate Estates – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the settlement boundary of Tylorstown and is not allocated for a specific purpose.

Policy CS1 emphasises the building of strong, sustainable communities, including providing high quality, affordable accommodation that promotes diversity in the residential market and promoting the re-use of previously developed land.

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

Policy AW1 – defines the sources of land to meet the housing land requirement, including unallocated land within the settlement boundaries of smaller settlements.

Policy AW2 – promotes development in sustainable locations, including:

- sites inside settlement boundaries;
- sites where development would not unacceptably conflict with nearby uses
- sites with good access to key services and facilities;
- sites where development would support key settlements; and,
- sites well-served by utilities.

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

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

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

Policy NSA10 - seeks a minimum net density for residential development of 30 dwellings per hectare.

Policy NSA11 - seeks 10% or more affordable units in schemes of 10 or more units.

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

Supplementary Planning Guidance

Delivering Design & Placemaking: Access, Circulation & Parking
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)

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 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 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:

Principle of the proposed development

The principle of developing the site for residential purposes has been firmly established through the original grant of outline planning permission in November 2006 (app ref: 05/1769) and renewed in April 2015 (app ref: 09/1088). The main consideration in the assessment of this application is whether there has been any material change in circumstances since the previous permission. In this regard it is worth emphasising that the planning policy position remains unchanged since the last grant of outline consent. The application site is located within a settlement boundary, is reasonably accessible to services and facilities, and is not constrained by risk of flooding. Also, residential development would help support Tylorstown. Moreover, development of the site would affect any open space, as the site is waste ground, no car parking would be displaced, and no contamination or instability issues are known. Residential development is appropriate as it meets the definition of a sustainable location where new housing would support Tylorstown, and it would make good use of previously developed land.

Impact on the character and appearance of the area

The original planning application indicated that the reserved matters application would be a contemporary design approach to developing the site, whilst taking into account the character and appearance of the surrounding area. It is therefore considered that, whilst the maximum dimensions of the dwellings, particularly the heights, are larger than those generally found in the surrounding area, a contemporary design relating to the existing character of the area might result in larger dwellings being acceptable. In any event the design, appearance and layout of

each phase of the development are details for consideration at the reserved matters stage. Presently, there is no objection to the principle of residential development on grounds of impact on character and appearance of the locality.

Access and highway safety

The highway and pedestrian access to and from the site remains unchanged from the previous planning permission. The Transportation Section has offered no objection subject to the highway conditions attached to the last permission being re-imposed.

Affordable Housing

Policy NSA 11 of the LDP requires 10% affordable housing provision on residential sites of 10 units or more in the Northern Strategy Area. The Housing Strategy Team has set out how this requirement can be met in relation to current housing demand. The previous planning permission was made subject of a Section 106 Agreement that obligated the developer to pay an affordable housing contribution in lieu of on-site provision. The applicant has indicated his willingness for this obligation to be carried over into a new planning permission. On this basis Policy NSA11 will be satisfied.

Other issues

No objection has been received following the statutory consultation process and no objection has been received following the public consultation procedure on the basis that this is simply a renewal of an existing consent and no new issues have arisen in the meantime.

Community Infrastructure Levy (CIL) Liability

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

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

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

The original outline planning application included a Legal Agreement in respect of a commuted sum of £80,000 (now £87,038.76 by Retail Price Indexation from April 2015 to July 2018) to provide traffic calming and highway improvements in the surrounding side roads, and £80,000 contribution in lieu of affordable housing provision on site in order to mitigate the effects of this development and make it acceptable in planning terms.

It is therefore recommended that planning permission be granted subject to a Section 106 agreement which secures the following:

- A commuted sum of £87,038.76 to provide traffic calming and highway improvements in the surrounding side roads; and
- The provision of 10% Affordable Housing across the site, or a contribution for off-site Affordable Housing provision in lieu of on-site provision.

Conclusion

The proposal seeks to extend the lifetime of extant outline planning permission for residential development of land in order to allow more time for detailed schemes to be formulated and submitted as reserved matters pursuant to that consent. The proposal is for residential development of a 'brown-field' site within settlement limits that will support the settlement of Tylorstown, therefore remains acceptable in principle. As there have been no significant change in the other material considerations – highway access and safety, impact on character and appearance of the locality, affordable housing requirements – since the previous grant of consent in 2015, approval is recommended subject to the conditions and Section 106 Agreement to mitigate the consequences of the development for highway safety and affordable housing provision.

RECOMMENDATION: APPROVE subject to the conditions set out below, and the applicant and any other interested parties entering into a Section 106 Agreement which secures the following:

- **A commuted sum of £87,038.76 to provide traffic calming and highway improvements in the surrounding side roads; and**

- **The provision of 10% Affordable Housing across the site, or a contribution for off-site Affordable Housing provision in lieu of on-site provision.**

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

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

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

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

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

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

2. The development of the site shall be undertaken strictly in accordance with the enabling works and phases shown on Drawing No. PL122 Rev. E, unless as otherwise agreed in writing by the Local Planning Authority. The development of Phase D2 shall not commence until road 2 (including the linkroad to Phase D2) as shown on drawing No. PL122 Rev. E has been completed or to another construction phase which has first been agreed in writing by the Local Planning Authority.

Reason: In order to control the phasing of the site in accordance with the visual amenity of the surrounding area in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. Details of the proposed levels of the ground floors, driveways/garages and access roads in relation to the existing ground level of the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on site. Development shall be fully completed in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure that the approved scheme will accord with the surrounding development in accordance with Policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan.

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

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

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

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

6. Works involving site clearance, excavation, road or other constructional activity shall take place only between:-

Monday to Friday - 08:00 - 18:00 hours

Saturday - 08:00 - 13:00 hours

Nor at any time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

7. No development whatsoever shall be allowed to commence on the site until the Planning Authority has received and approved in writing a Geotechnical Design Report in accordance with BS EN 1997-1:2004. The report shall be based upon Design Investigations as described in the British Standard. All work shall be undertaken in accordance with the conclusions and recommendations of the approved Geotechnical Design Report.

Reason: To ensure the satisfactory development of the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a scheme for the comprehensive and integrated drainage of the site showing how, foul, surface and land drainage will be disposed of has been submitted to and approved in writing by the Local Planning Authority.

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

9. Drainage works shall be constructed contemporaneously with the construction of the remainder of the development in accordance with the scheme to be submitted to and approved by the Local Planning Authority under condition number 8 and shall be completed prior to the first occupation of the dwelling(s) hereby approved.

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

10. No development should be allowed to commence until the Planning Authority has received and approved in writing a qualified impact assessment, including proposed mitigation, design details and a development program with respect to:

- protection of open and culverted sections of the existing watercourse during and after construction.
- (a) protection of properties downstream of the development from increased flood risk during and after construction owing to the development.
- (b) protection of properties within the development from flood risk.

The impact assessment must include, but shall not be limited to consideration of any changes to surface and sub-surface hydrology that could arise from the development. Proposed mitigation shall include details, including supporting calculations, for restricting flows into the existing open and culverted watercourses in the vicinity of the site to similar rates as exist prior to any development for storm return periods of 1:2, 1:5, 1:10, 1:30 and 1:100 year return periods respectively.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No works whatsoever shall commence on site until full engineering details of the road layout with sections, street lighting and surface-water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineering details.

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

12. No works whatsoever shall commence on site until design calculations duly certified by a professional engineer and constructional details of retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. Any retaining wall abutting the highway shall be constructed according to the approved details.

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

13. No development shall take place until the tie-in of the proposed access road with the existing highway (Brynbedw Road) has been laid out and constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Development shall be fully implemented in accordance with the approved details prior to beneficial occupation of the first dwelling.

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

14. Any part of the existing adopted highway network made redundant by the proposed development shall be permanently stopped up to all traffic in a manner to be agreed by the Local Planning Authority prior to works commencing.

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

15. No construction shall commence until a scheme and method statement detailing the construction access locations, haulage routes, location of site compounds, parking, timescales, signage and the management of vehicular and pedestrian traffic has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed method statement.

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

16. Prior to the commencement of development, facilities for wheel-cleansing shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Wheel cleansing shall be carried out throughout the course of development.

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

17. Prior to the commencement of development details of the method(s) of sheeting lorries shall be submitted to and approved in writing by the Local Planning Authority. Before leaving the site all lorries shall be sheeted in accordance with the approved details.

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

18. No works including site clearance shall take place within the bird nesting season (March - August).

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