

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
7 NOVEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No. 12/1313 - Residential development (276 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works (Amended plans received 16/8/13), Duffryn Bach Farm, Station Road, Church Village, Pontypridd.
2. Application No. 13/0179 - Construction of a shared use community route between Talbot Green and Cross Inn together with access links to Llantrisant, Glamorgan Vale Retail Outlet, Talbot Green and Church Village, to include site clearance, boundary fencing, a new wooden bridge on the link to the Glamorgan Vale Retail Outlet, structural repairs to railway bridges, drainage works and associated works. (Amended plans received Mon 30 Sept which show the deletion of access links 9 and 12a, a revised position of link 5 and the K barrier to the rear of the woodlands, and additional land for drainage works and reptile mitigation), former Taff Vale Railway Line Between Talbot Green And Cross Inn.
3. Application No. 13/0409 - Change of use from former Public House and part residential to full residential use, comprising of 6 no. flats with associated rear parking. Works to include demolition of existing side and rear extension (in part) and erection of new rear extension. (Amended Plan Received 30.9.2013), Crown Hotel, Ynyswen Road, Ynyswen, Treherbert, Treorchy.
4. Application No. 13/0458 - Construction of a two storey building to

- form two self contained flats, land adjacent to 13 Old Park Terrace, Treforest, Pontypridd.
5. Application No. 13/0466 - Variation of conditions 19, 20, 21, & 22 of planning approval 10/0292 to extend working hours on Saturday to 1600 Hours, Tower Surface Mine, Rhigos Road, Hirwaun, Aberdare.
6. Application No. 13/0523 - Engineering works to bury existing 33kv power line, construct a surface water run-off interceptor ditch and an access track and restoration works (partly retrospective), Tower Surface Mine, Rhigos Road, Hirwaun, Aberdare.
7. Application No. 13/0560 - Demolition of the existing building and the construction of 15 affordable dwellings and commercial / retail floorspace (use class A1 / A3 restaurant / cafe) and associated works. Additional supporting information received 24/09/13, Former Bingo Hall, Canon Street, Aberdare.
8. Application No. 13/0561 - Demolition of the existing building and the construction of 15 affordable dwellings and commercial / retail floorspace (Use Class A1 / A3 restaurant /cafe) and associated works (Conservation Area Consent). - additional supporting information received 24/09/13, Former Bingo Hall, Canon Street, Aberdare.
9. Application No. 13/0622 - To provide an extension to existing storage facility and the use of light manufacturing / assembly. To retain existing storage containers as use of office space. To provide limited outside storage of bulky goods, Colliers Way, Llwynypia, Porth.
10. Application No. 13/0623 - Office notice sign, road sign from Colliers Way and general Company sign on side of building, Colliers Way, Llwynypia, Porth.
11. Application No. 13/0705 - Erect 40.5 metre high anemometer mast for a temporary period of 18 months, land approximately 550 Metres South Of Maes Mawr, Tonteg, Pontypridd.
12. Application No. 13/0721 - Demolition of one existing dwelling (Fairholme) and redevelopment of the site to provide 53 dwellings with ancillary car parking, open space, access arrangements and landscaping (Amended Plans Received 25th September), land off Cardiff Road to the south of St Luke's Avenue, Rhydyfelin, Pontypridd.
13. Application No. 13/0744 - Construction of eight 1 bedroom affordable flats, Land At Mill House (Formerly Marton House) , Old Caerphilly Road, Nantgarw, Cardiff.
14. Application No. 13/0762 - Conversion of existing ground games room and vacant room to residential care living accommodation and change of use of property from C3 dwelling house to C2 residential care home, Ty Llewellyn, Llewellyn Street, Trecynon, Aberdare.
15. Application No. 13/0804 - One detached dwelling (resubmission), Land Adjacent To 23 Albert Street, Blaenllechau, Ferndale.
16. Application No. 13/0814 - 8 new houses, Former Car Park, Francis Street, Thomastown, Tonyrefail, Porth.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 12/1313/10 (HW)
APPLICANT: PMG CV Ltd and Persimmon East Wales
DEVELOPMENT: Residential development (276 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works
LOCATION: DUFFRYN BACH FARM, STATION ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1AH
DATE REGISTERED: 11/01/2013
ELECTORAL DIVISION: Church Village/Llantwit Fardre

RECOMMENDATION: Approve

REASONS:

The site is an allocated housing site within the adopted Local Development Plan and therefore the principle of housing is considered acceptable. The other main issues in determining this application are considered to be as follows:

- Impact on highway safety;
- Impact on neighbour amenity;
- Housing numbers;
- Site layout and design;
- Impact on trees and ecology;
- Provision of suitable drainage arrangements.

While there is some concern regarding the level of long-term tree retention that can be realistically be achieved on the site, it is considered that the above matters have been addressed to a satisfactory extent for approval to be recommended.

APPLICATION DETAILS

Full planning permission is sought for 276 dwellings on land south of the Ridings, Church Village. A variety of house types are proposed, ranging from 2 bedroom to 5 bedroom types, and eighteen 1 bedroom flats are also proposed. The buildings are largely two storey, but some two and a half storey dwellings are also proposed. The houses will be finished in a mix of brick, render and reconstituted stone and will have concrete tile roofs. 56 of the dwellings proposed are affordable homes, and are proposed to be a mix of social rented houses and houses for low cost ownership.

The site is proposed to be accessed from Station Road, to the south of Duffryn Bach Farmhouse. A second access, for pedestrian, cyclist and emergency vehicular use only is proposed onto Meadow Brook. The site is effectively split into two parcels, with a short road link joining them in the centre. The first is to the east of Station Road (Area 1) and the second is to the south of the Ridings (Area 2). A Locally Equipped Area of Play (LEAP) is proposed towards the centre of the site. It is also proposed to enhance an existing Public Right of Way in the east of the site to provide pedestrian and cyclist access to the Church Village Bypass Community Route.

The application is accompanied by:

- An Environmental Statement, which comprises a number of studies;
- A Transport Assessment and “Highways Brochure”;
- A Design and Access Statement.

SITE APPRAISAL

The site is 10.2 ha in size and is currently greenfield agricultural land. It has powerlines, supported by two pylons, running through it from north east to south west, which provide a significant constraint to the development of this site. There is also an existing Public Right of Way in the east of the site, connecting the Ridings in the north to the Church Village Bypass Community Route in the south. The topography of the site is varied, and parts of the site are boggy. There are a significant amount of mature trees both on the site itself and around the boundary of the site.

To the south and east of the site is the Tonteg Marsh Site of Importance for Nature Conservation (SINC). This can be characterised as a complex mosaic of wet and drier grasslands, wet scrub and species-rich woodland. Marshy grassland is a major habitat feature of the SINC. The SINC has a very high potential for invertebrates, including Marsh Fritillary Butterfly. The development does take a small part of the SINC in two places. The first is where the access road crosses from one parcel of land to the other. The second and larger part is along the eastern boundary of Area 1.

The site is also bound by Station Road and the Meadow Brook housing development in the west. To the north west is the rest of the land within this housing allocation in the Local Development Plan. In the north east the site is bound by the Ridings, which is a residential street with houses backing on to the site.

PLANNING HISTORY

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

94/0843	Residential development at	Withdrawn
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	Tyn Y Waun (outline application).	17/03/95
92/0837	Provision of 4 sports pitches with ancillary changing facilities, car parking, roundabout and access roads (full application). Residential development (outline application) at Tyn y Waun.	Refused 19/04/93
91/0479	Golf course, sports pitch, tennis courts, bowling green, public open spaces, residential development at Tyn y Waun.	Refused 15/10/91
91/0210	Residential development (outline), proposed golf course (full) at Tyn y Waun.	Refused 24/06/91.

PUBLICITY

Neighbour notification letters were sent to surrounding properties, site notices were placed in the vicinity of the site and the application was also advertised via a press notice. The press and site notice advertised the site as a major application, a departure from the Development Plan, being accompanied by an Environmental Impact Assessment and potentially affecting a Public Right of Way crossing the site.

Objections have been received from 24 neighbouring properties. In addition, 3 Community Councillors have raised separate objections, 2 letters have been received from neighbours stating they do not object, but they have made comments, and 1 query has been submitted in writing. The concerns raised are summarised as follows:

Highways/ Traffic

- The development will increase already substantial traffic flows and congestion along Station Road and on the new bypass, particularly given that planning permission has also been granted for housing on the Western Power Distribution Site;
- Since the construction of the bypass, Station Road is heavily used by large vehicles and traffic in general has increased;
- A complete review of the highway network needs to be undertaken;
- The development will result in traffic moving back towards levels seen in Church Village prior to the bypass being built and would exacerbate existing problems, such as the bottleneck at the bottom of Power Station Hill/ Upper Boat Roundabout and at the Talbot Green Roundabout;
- A wider Transport Assessment should be carried out;
- The number of cars leaving the site between 8am and 9am is underestimated in the Transport Assessment;

- Concern that the Transport Assessment has not tested for enough units (figure of 450 used);
- Additional traffic causes high levels of wear and tear on roads, leading to road works;
- Concern that public transport options in the local area are very limited;
- In reality there are only a few buses a day using Station Road and the local shops being up a steep hill and lack of employment opportunities in Church Village will encourage car use;
- Concern about lack of traffic controls on Main Road;
- That there are local facilities is unlikely to deter car use;
- The development will cause an increase in traffic and will cause extra noise, disturbance and pollution in the area;
- There should be a traffic light controlled crossing on Station Road, due to the increase in pedestrians using what is already a very busy road;
- The proposed access opposite Coed Dowlais may cause conflict with vehicles entering and exiting the existing junction;
- The second access to the north should be provided to create a loop and spread the risk caused by access on to Station Road. This would also mean an emergency access is not required through Meadow Brook;
- One access seems insufficient for the number of vehicles likely to be using it;
- The access should be sited further down the road, where the existing farm access is currently located;
- The access should be located nearer the roundabout, or be from the Ridings;
- There is already excessive speed on Station Road, and additional traffic and the construction of a new junction would impact on road and pedestrian safety and increase the potential for accidents;
- The crossing should be close to the bus stop and main entrance to the new estate;
- A pavement should be provided along the whole eastern side of Station Road;
- The estate does not have enough parking, which could result in parking spreading elsewhere;
- There should be a turning circle at the end of every cul-de-sac;
- Traffic calming should be provided on Station Road.

Secondary/ Emergency Access Road to Meadow Brook

- The method for controlling access to this road is not shown;
- Even with controls over the access, there is concern that over time the barrier may fall into disrepair and the road may become available for general use;
- People may ignore that the access is for an emergency only;
- It would be unacceptable for this road to allow access for traffic in anything other than an emergency;
- There would be a substantial increase in traffic flow through Meadow Brook;
- The proposed access road would change the character of Meadow Brook from a quiet cul-de-sac to being more urbanised;

- The road would substantially reduce privacy through increase in pedestrians passing the frontage of properties in Meadow Brook;
- The location of this is flawed, as it does not provide suitable access to Area 2, should the road between Area 1 and Area 2 become blocked;
- The road would severely impact on safety in Meadow Brook, particularly for children;
- Why is a second road needed- other developments do not have one;
- Parking is limited in Meadow Brook, there is no visitor parking and residents/visitors often have to park in the road and in the area by the proposed access road. This would increase safety risks if traffic volumes increase, including leading to problems for large vehicles and pedestrians;
- The area by the proposed access road is used for turning;
- The section of Meadow Brook leading up to this is in reality only suitable for a single carriageway and due to parking and there is limited visibility and space around cars;
- The road would make entry to and exit of driveways in Meadow Brook more difficult;
- The road would increase noise, disturbance, nuisance and pollution levels in Meadow Brook;
- Concern that new residents may park cars in Meadow Brook and walk to their houses;
- Concern regarding pedestrians and cyclists using Meadow Brook. This would become the natural route for pedestrian and cyclist access from Church Village, increasing noise, including late at night, and potential for crime, anti-social behaviour and leading to loss of privacy;
- Concern that construction vehicles may use the emergency access.

Residential Amenity

- Concern that the layout plan is inaccurate as it does not accurately show the boundaries of gardens in the Ridings, many of which extend to the boundary of the site;
- Concern that there are not as many trees along the boundary with the rear of properties in the Ridings, as stated in documents submitted, and that planting will not be provided as stated due to lack of space;
- There should be a corridor of vegetation/ trees between the site and the Ridings, or garages and houses built further away from the boundaries, and there is concern that the level of planting suggested by the Environmental Statement in this area will not be provided;
- Concern regarding the proximity of plot 160 to the boundary of one of the houses in the Ridings;
- Concern regarding the level of the ground behind the Ridings and that if ground levels are not lowered here, it will cause houses, particularly the 2 ½ storey ones, to tower over houses in the Ridings. The houses should be no higher than the existing ones on the Ridings;

- The houses and garages to the rear of the Ridings will cause loss of light and overshadowing to gardens, and development will cause loss of light to the area in general;
- In the dark, headlights from those using the junction will shine into properties in Duffryn Bach Terrace causing annoyance;
- The development would impact on privacy of local residents, including in the Ridings due to houses looking directly into existing properties;
- The development will increase noise levels in the area due to the loss of the fields to development, increased people and traffic, and will destroy the tranquillity of the area;
- The section of Public Right of Way adjacent to no. 52 The Ridings is a stone/ gravel walkway and is noisy when people walk over it- the development will increase this noise.

Flooding/ Drainage

- The land helps take surface water and is usually boggy, so there is concern the development of this might increase flood risk elsewhere;
- Concern the development may exacerbate flooding on the site behind the Ridings and cause flood risk to properties;
- Welsh Water's comments should be noted and monitored.

Wildlife/ Ecology/ Trees

- There would be detrimental impacts on wildlife;
- Trees would need to be cut down;
- Tree Preservation Orders should be placed on the trees;
- The development would take away countryside widely used by local people that is of outstanding natural beauty;
- The loss of SINC means an alternative location for these houses should be found;
- Woodland/ field walks will be destroyed and walking on a footpath across the fields is not the same as walking on one across an urban site;
- There should be measures to protect dormice.

Education Places

- Most schools in the area are full, so there are no places for children from this development;
- The demand for Welsh education in the area is very high and this proposal will put further pressure on places;
- Ysgol Garth Olwg has no capacity for providing for existing local demand for Welsh medium places, causing children to have to go to school elsewhere and increasing traffic;
- A new school should be provided on the site, and this is suggested by the Local Development Plan;
- Extra demand on school places mean that schools have had to introduce temporary classrooms;

- Any provision of school extensions should not involve temporary classrooms.

Other

- There is a drop between Meadow Brook and the site which is not shown accurately on the plans;
- The loss of this open land would make the whole area less attractive;
- The developers indicate good local facilities, but the local doctor's surgery appears oversubscribed and it is difficult to get an appointment, the local dental practices are also full, and the Royal Glamorgan Hospital is overstretched;
- New local facilities should be provided in the area;
- Parking at local facilities is very difficult;
- The infrastructure of the area is not designed for such a big increase in people and vehicles;
- Church Village has been swamped with new housing developments and this will exacerbate existing problems caused by this;
- There should be a footpath up and on to the main road, particularly for children attending the schools;
- Concerns regarding noise, disturbance, debris and mess caused by construction;
- Health and safety concerns relating to the power lines crossing the site
- Concern regarding the location of an old coal gas main;
- Concern that the park and ride at Treforest Station is not really an option for residents of the new development as demand already outstrips availability;
- The proposed development is an eyesore and will enclose the open land it will sit on;
- The link between the Ridings and the site is not acknowledged in the submitted documents;
- Concerns there are inaccuracies in the submitted documents.

Non-planning related concerns

- The access road to Meadow Brook is within one of the property's front gardens;
- Impact on the value of houses in the area;
- The state of the building trade and mortgage market means there is little benefit in granting planning permission for this;
- Loss of views;
- Concern that an adjoining landowner's hedge should not be removed.

CONSULTATION

Transportation – no objections raised subject to conditions. Have recommended that a Transport Tariff of £658,752 be paid via a Section 106 Agreement.

Land Reclamation and Engineering -no objection raised, subject to conditions.

Countryside - are unsure of how the management of the SINC and Public Open Space will be implemented and have concerns that the loss of boundary trees will be greater than suggested by the plans. In respect of drainage, measures to try and mimic existing hydrological inputs to the SINC are an important mitigation issue, but again there is concern about the level of drainage detail submitted. The Council's Public Rights of Way Officer also has advised that both a Diversion and an Extinguishment Order will be required for the Public Right of Way running through the site, and that if opposed it may be difficult arguing that this is necessary.

Public Health and Protection – have requested conditions in respect of restricting hours of construction and a site investigation, and suggested that proposals for the minimisation of dust and noise should be submitted.

Strategic Housing - have requested 56 units of affordable housing, comprising both houses for social rent and houses for low cost home ownership.

Education and Children's Services - require a contribution of £1,017,331 for the provision of additional school places at local primary schools.

Natural Resources Wales - have suggested a number of conditions in relation to biodiversity, drainage and preventing pollution of the water environment. Final comments are due to be received and will be reported orally to the Committee.

Dwr Cymru Welsh Water - have requested a condition stating that only 30 dwellings should be brought into beneficial use before works to improve the Rhiwsaesdon Waste Water Treatment Works have taken place, but not before 1st September 2014. This is due to concerns regarding overloading the Treatment Works prior to the planned works taking place. Have suggested other conditions in relation to the drainage of the site.

South Wales Police - no objection, but have a concern that the Design and Access Statement contains insufficient detail to demonstrate how high levels of community safety are likely to be achieved. Have made a number of recommendations in respect of preventing crime and have asked for these to be considered as conditions.

South Wales Fire and Rescue Service - no objections raised.

Western Power Distribution - no objection raised to 20 metre buffer proposed.

National Grid - no objection.

Taff Ely Ramblers - no objection.

Open Spaces Society - no comments received.

Wales and West Utilities - no comments received.

Welsh Government Planning - no comments received.

Campaign for the Protection of Rural Wales - express concerns that this is a departure from the Development Plan.

Llantwit Fardre Community Council - believe that this development would cause highway issues, would be detrimental to residents living in the area, and cause additional traffic problems on the Church Village Bypass, Main Road, Church Village and surrounding streets. Individual concerns are also raised by 3 Community Councillors, which are incorporated into the neighbour comments above.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the Southern Strategy Area, within the settlement boundary and is allocated for residential development by Policy SSA 10.18 of the Local Development Plan.

A large area of the allocated site is a designated Site of Importance for Nature Conservation (SINC), and part of the allocated site is within a C2 Flood Risk Zone.

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

Policy CS2 - Development in the South

Policy AW1 - Supply of New Housing

Policy AW2 - Criteria for Sustainable Locations

Policy AW4 - Community Infrastructure and Planning Obligations

Policy AW5 - New Development

Policy AW6 - Design and Placemaking

Policy AW8 - Protection and Enhancement of the Natural Environment

Policy SSA5 - New Education Facilities

Policy SSA10 - Housing Allocations

Policy SSA11 - Housing Density

Policy SSA12 - Affordable Housing

Policy SSA13 - Housing Development in Settlement Boundaries

The following SPG is also relevant to this proposal:

- Design and Placemaking;
- Affordable Housing;
- Planning Obligations;
- Nature Conservation;

- Access Circulation & Parking Requirements.

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 Chapters 5 (Conserving and Improving Natural Heritage and the Coast), 8 (Transport) and 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 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 22: Sustainable Buildings;
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main issues:

- Local Development Plan Housing Allocation
- Impact on highway safety;
- Impact on neighbour amenity;
- Housing numbers;
- Site layout and design;
- Impact on trees and ecology;
- Provision of suitable drainage arrangements.

These matters are addressed in turn below:

Local Development Plan Housing Allocation

The site is the substantial part of allocated housing site SSA 10.18 within the adopted Local Development Plan and therefore the principle of housing on this site is considered acceptable.

Impact on Highway Safety

Following negotiations, The Transportation Section are satisfied with the location of the access and that there would be no adverse impact on highway safety, subject to conditions. Having reviewed the Transport Assessment, the level of traffic generation is considered to have an acceptable impact. A puffin crossing is proposed to the north of the site and condition 25 requires details of this. An additional shared cycle/footway is also proposed along the Station Road frontage of the development and again condition 25 requires details of this. The internal layout including provision for turning is considered acceptable apart from some concerns regarding vision splays being below standard. However, it is considered this matter can be addressed by traffic calming being provided (condition 26 refers). There are less spaces in total for the development than the maximum required by the Access, Circulation and Parking SPG, and it is noted that the parking provided for some of the plots is not actually attached to the plots themselves, making it less convenient to use. However, it is considered that if necessary these issues can be absorbed through on street parking within the development.

In respect of the “emergency access proposed, this has been recommended for use of vehicles in emergencies only when it is not possible to access/ leave the new estate via the main access on to Station Road. This is considered desirable as in the case of an emergency (e.g. a flood or serious accident at the main access) vehicles, including emergency service vehicles, would have difficulty in accessing/ exiting the site. In addition, this route will be open to pedestrians and cyclists at all times, providing a further route for them to use, making it easier for residents in some parts of the new development to access services by these modes of travel and increasing the connectivity between the new development and the existing local area. In respect of the concerns raised regarding privacy and disturbance caused by pedestrians using this access, this is not considered to be an issue significant enough to warrant refusal of the application.

It is anticipated that the emergency access will be rarely used by vehicles, and a controlled access is shown on revised submitted plans, details of which are recommended to be submitted via a condition. It is also anticipated that the access will be surfaced in grasscrete or a similar material, rather than more hard wearing tarmac due to its rare likelihood of use by vehicles, and it is considered this matter can be addressed through condition 22 recommended below. It is not considered that the access will have an unacceptable impact on available parking and turning in Meadow Brook. In respect of the concern regarding its use by construction vehicles, it is not anticipated this will be the case, and this matter can be addressed via condition 29. It is acknowledged that the access will not be able to be used by those in Area 2 if the road between Area 1 and Area 2 becomes blocked, but the land to

the north west not being put forward for development at this stage means there is not a feasible option to have an emergency vehicular access within this part of the development.

In respect of the concerns raised regarding the adequacy of the Transport Assessment, it is only considered reasonable for the Council to require that the applicant assesses traffic impacts for the amount of units they are intending to build. No concerns have been raised by Transportation that the level of cars leaving the site between 8am and 9am have been underestimated. In respect of whether there is a need for a Transport Assessment covering the whole of the Bypass route and a complete review of the transport network, the capacity of the highway network, including the Bypass, was considered when sites were allocated during the production of the Local Development Plan. Therefore, it is not considered that further assessment should be requested this respect. In addition, the Transport Tariff, applicable to this development, is in place to seek contributions from developers towards addressing problems on the Strategic Highway Network, including the Church Village Bypass.

Turning to other concerns raised by neighbours, in respect of the capacity of Treforest Station, while it is accepted that there may be capacity issues making it difficult to park, it is not considered that this would prevent residents of the development from using the station, as they could not be prevented from driving there, may use other locations to park and may use other modes of transport. It is acknowledged that the bus service along Station Road is infrequent, but the bus service is much more frequent along Main Road. As the land within the housing allocation to the north west of the site is not included as part of this application, any proposal for an access closer to Coed Dowlais will be considered as part of any application to build on this land. It is not considered that additional wear and tear on roads is a significant issue in the determination of this planning application. It is also not considered that the traffic generation would significantly increase levels of pollution. Traffic calming is not proposed on Station Road and it is not considered this is necessary to accommodate the development.

Impact on Neighbour Amenity

It is considered the development is acceptable in terms of its impact on existing neighbours, with distances between the rear of existing houses and the proposed houses being sufficient not to unacceptably impact on privacy, light nor be significantly overbearing.

It is acknowledged that most of the existing properties within the Ridings do adjoin the development site as gardens have been extended through purchase of the former railway route. The double garages proposed on plots 158- 160 are close to the edge of the site and are therefore between 1 and 2 metres from the rear boundaries of neighbouring properties in the Ridings. This situation is not ideal in terms of neighbour amenity as it results in a significant expanse of garage roof close

to the rear gardens of existing properties. However, the gardens affected are between 25 and 30 metres long, and it is therefore considered that the impact is not significant enough to be unacceptable.

Turning to the concern regarding the proximity of the house at plot 160 to the adjoining property in the Ridings, it is accepted that this will be adjacent to the existing rear boundary. However, it is considered that given the length of the existing garden of this property and the drop in level to the application site from the usable garden area at this point, the impact is again not significant enough to be unacceptable.

In respect the concerns regarding the height of proposed dwellings and ground level of the houses to the rear of the Ridings, a condition is recommended in respect of final ground/ floor levels on the site (condition 35). However, given the distance of over 30 metres between the proposed dwellings and existing houses in the Ridings it is not anticipated that ground levels will cause a significant issue in terms of neighbour amenity.

In respect of concerns raised about landscaping in the Ridings, the current layout seems to offer little opportunity for a landscape buffer between the new houses and the Ridings. While it is acknowledged that the site will significantly alter the outlook of residents within the Ridings, it is considered the distances between new and proposed houses are sufficient to prevent unacceptable impacts on neighbours without such planting.

Turning to the concern raised about headlights, this is not considered to be a significant issue in the determination of this application. In respect of the concern regarding the potential to be disturbed by the surface of the Public Right of Way between houses, surface details are recommended in condition 24.

Housing Numbers

This site and the land to the north west are allocated for 500 houses in total by policy SSA 10.18 of the Local Development Plan. However, due to the constraints on the site, mainly the power lines and the trees surrounding and on the site, it is estimated that the whole allocated site will yield 420 dwellings.

Policy SSA 11 requires a minimum density of 35 dwellings per hectare unless it can be demonstrated that a reduction in density can be justified. The number of dwellings proposed on the application site is 276, and the area of the application site is 10.2 ha, which provides an overall density of 27 dwellings per hectare.

However, the developable area is in reality smaller than 10.2 ha due to site constraints and the provision of open space. The net developable area has been calculated to be approximately 8.52 hectares, giving a density of 32.4 dwellings per hectare. It is acknowledged that this is still below 35 per hectare, and 22 additional

dwellings would be required for the density to reach this figure. However, this is not considered to be a significant enough shortfall to warrant refusal of the application.

Site Layout and Design

Following negotiations between the Council's Urban Designer and the applicants, the layout and design are considered acceptable. The key changes to the proposed layout in respect of Urban Design are detailed below.

The route of the main street through Area 1 has been significantly realigned to avoid running along the powerline corridor. This helps to avoid long views towards the pylons, and reduces the visual impact of the pylons on the character of the development. This has also resulted in the creation of a better defined public space and built form close to the site entrance, aiding legibility within the development and creating a more attractive environment.

In a number of instances, buildings on corners have been rearranged or altered to avoid the dominance of blank gable walls in prominent or highly visible locations. This has included inserting gable windows into some buildings to ensure that buildings turn corners well and provide a sense of natural surveillance over surrounding streets. In some cases, houses have been reoriented or the house type changed in order to ensure that long vistas are closed in an appropriate manner.

The street hierarchy and design of streets has been refined to create a balance between highway movement and place creation. This included extending 'secondary streets' with formal footpaths further into the site, improving legibility and pedestrian accessibility.

The layout and arrangement of the LEAP and surrounding open space has been amended to create a more useable play area, and providing a larger surrounding area for informal play. The surrounding layout has been amended so that more houses face onto the open space, creating a sense of natural surveillance over the play area, and creating a stronger urban form that helps the open space to be more of a focal point within the development.

The Parks Section have verbally indicated that they are satisfied with the play space now provided. It is noted that the amount of equipped play space provided does fall short of the standard set out in the Planning Obligations SPG. The SPG requires that the site should provide 2,247.5 square metres of equipped play space, but the LEAP is approximately 1,226 square metres of such space.

Two Local Areas of Play (LAPs) were originally proposed on the site, which would have provided an additional 1095 square metres of equipped play space, meeting the above target, but it was requested that these were removed as it was considered that they would best serve the development as multi-purpose open space.

Given the above, the amount of informal open space on the site, including the pathway along the powerline corridor in Area 1, and access to the open space within the adjacent SINC from the site, the amount of equipped play space provided is considered acceptable. In addition, it is noted there is a children's play facility in close proximity in the Ridings.

In respect of the concerns raised by the Police, the Council's Urban Designer has reviewed the plans against the conditions they have proposed. It is considered that the plans largely address those that are relevant to the planning process and therefore further conditions are not required.

Impact on Trees and Ecology

Within the boundary of the Local Development Plan residential allocation there is a large Site of Importance for Nature Conservation (SINC). The intention for this SINC has always been to protect it and it was specifically included in the allocation boundary to allow for its effective management and enhancement as part of the residential development. This is recommended to be secured via a Section 106 Agreement.

In order to facilitate the development including the provision of the access point and to allow a sufficient number of houses, the applicants propose to develop designated SINC land within the site boundary, as described above. Through discussion with the Council's Ecologist it has been agreed to allow these areas to be developed subject to the appropriate mitigation being secured, however it is recognised that in line with policy AW8 of the Local Development Plan, this loss of SINC requires robust mitigation to off-set drainage impacts, tree and hedgerow loss, light pollution, physical disturbance and the urban edge impacts which will be associated with the proposed development.

Securing the management of the rest of the SINC and mitigation for the SINC land lost and associated impacts of development is therefore of vital importance if the planning application is to satisfy policy AW8. In addition, to compensate for direct SINC loss an additional area of land is proposed as mitigation to the south of the Church Village Bypass. It is proposed the mechanism for management will be addressed via the Section 106 Agreement. The Council's Countryside Section is keen to ensure that the establishment and management of all parts of the SINC are delivered to a recognised and appropriate standard which can illustrate through Local Development Plan monitoring that the SINC and other features have not deteriorated through the granting of planning permission, the Maintenance Companies employed are of a competence and capability to undertake the different management functions, that sufficient funding is available, and that if works are not satisfactory, the Council is able to ensure compliance with the S106 agreement. As recognition of their ecological, landscape and amenity importance, the SINC and compensation area are proposed to become a Nature Reserve. Because these details have not yet been established or agreed these matters will be addressed via

clauses in the section 106 Agreement. There is therefore a very important requirement for robust and controllable mechanisms to be delivered through the S106 negotiating process.

There are numerous trees and hedgerows across the site. These are distinctive elements of the site and form the traditional field boundaries, which play an important role in the wider landscape. These trees and hedgerow are not subject to any Tree Preservation Orders (TPOs), however, they are considered to be ecologically important and form important landscape features. Their protection, where practically possible, is considered to be a key element of the design and layout of the proposed development.

Although it is accepted that trees will be lost, negotiations have taken place with the applicants to ensure that as many trees in these areas are retained as possible. However, Countryside have raised concern that more mature trees are likely to be lost than shown when the scheme is built. This is particularly a concern in relation to the following areas:

- Plots 160-161 in Area 2- Due to the ground works proposed, Countryside consider trees in this area may well be severely compromised by development and there is potential for significant trees works to be required and tree die-back to occur;
- Plot 32 in Area 1 - Although the tree behind here (T85) is shown as retained, Countryside consider that given its proximity to the house, it is not likely to be retained in the long term;
- Eastern boundary of Area 1 in general- Countryside are concerned that due to the proximity of the hedgerow trees to the fence line, there may be a problem retaining the trees in the long term due to maintenance difficulties;
- Group 91 (southern boundary of Area 1)- Countryside again consider that more trees are likely to be lost in this location than shown on the submitted plans, and consider that trees in this area may well be severely compromised by development and there is potential for significant trees works to be required and tree die-back to occur.
- Trees adjacent to plots 64, 65 and 69 in Area 1- Countryside are concerned that due to ground works and associated filling in this area, these trees again may well be severely compromised by the works and there is potential for significant trees works to be required and tree die-back to occur.

It is considered that landscaping and tree management conditions, and the ecological management plan will provide some mitigation against further tree loss than is shown by the plans and allow for additional vegetation planting. In respect of plots 160-161 a condition has been recommended specifically to address ground works. However, it is accepted that given the above advice there is likely to be further tree loss than shown on the submitted plans.

While such potential tree loss is regrettable, it is considered this should be weighed against the allocation for residential development in the Local Development Plan and that due to site constraints the number of houses delivered on the allocated site is already likely to be significantly less than the site is allocated for in the Local Development Plan. Therefore, on balance, the risk of this additional tree loss is accepted, and conditions will be used to try and mitigate this as far as is possible.

In respect of the neighbour comment that Tree Preservation Orders should be placed on trees, none are proposed at present, and it is considered the uncertainty over the future of trees on some areas of the development boundary would make it difficult to successfully implement a Tree Preservation Order at present.

Concerns are also raised by Countryside regarding the landscaping plan, but it is considered these can be addressed through conditions.

In respect of bat survey work, the applicants have stated that all trees within the survey boundary were subject to ground-based bat inspections, including all trees identified as being retained. This is considered satisfactory.

In respect of the neighbour comment that dormice should be protected, it is the Council's Ecologist's view that sufficient survey work has been done. Condition 6 for the protection of wildlife during construction will require a method statement to be submitted in respect of working practices to ensure the protection of any protected species should they be found on site, including dormice.

It is noted that Natural Resources Wales have requested a condition for the provision of compensatory habitat given that the development does encroach on to the designated Tonteg Marsh SINC. However, it is considered that this matter is most appropriately dealt with through the Ecological Management Plan recommended as part of the Section 106 Agreement.

Provision of Suitable Drainage Arrangements

There are a number of small water courses and streams running throughout the site, and parts of the site are boggy. The area proposed for development lies on higher ground above the SINC, meaning the potential impact on the hydrology of the SINC has to be addressed. Through negotiations with the Council's Drainage Engineers, drainage proposals have been put forward to try and replicate as far as possible the existing pattern of water discharging into the SINC.

In respect of flood risk, part of the residential allocation falls within the C2 flood risk zone, although this is within the area of SINC land and does not include the land proposed for development. Land Reclamation and Engineering have not objected in respect of flood risk more generally on the site subject to conditions being imposed, which have been recommended below.

In respect of the potential impact on the hydrology of the SINC, Countryside have raised concerns that the level of information submitted in respect of drainage is not enough to understand how the drainage will function, particularly in respect of its impact on the SINC. The concerns relate to:

- The construction and maintenance of drainage features;
- That the drainage features may lead to further loss of trees;
- Being unsure of how successful the drainage solutions will prove in mimicking the existing hydrological conditions of the SINC, resulting in a need for strict conditioning and long- term provision for after care in the S106 Management Plan.

It is considered the recommended conditions and proposed Management Plan can satisfactorily address the above concerns.

Turning to concerns raised by neighbours, attenuation systems are proposed to be used to ensure the development does not create flood risk on the site and elsewhere and it is also considered the recommended conditions can address this issue. Dwr Cymru Welsh Water's comments are addressed via recommended conditions.

OTHER ISSUES

In terms of schooling, due to site constraints, it is considered unlikely that this site and the land to the north west, which is also allocated for housing in the Local Development Plan, will provide enough units to justify requesting the provision of a school on the site. Policy SSA 5 in the Local Development Plan indicates new educational facilities will be provided on this site, i.e. a new primary school. However, this is based on the provision of 500 houses on the whole of the allocated site. This phase of the development is for 276 units. As 18 are 1-bed units the calculation for the number of places generated has been based on 258 units, in line with the formula set out within the Planning Obligations SPG. This is considered likely to yield 83 primary school places, on the basis of 32 places being generated per 100 eligible units. It is considered unlikely that the development of the remaining element of the allocation would take the overall dwelling numbers on the allocation to more than 420 units (although the developer has suggested that 159 could be built on land to the north west, yielding a total of 435), so a maximum of 129 (139) primary places in total. Therefore the Council's Education Section have advised the provision of a new school is not justified in this case, as these numbers are not sufficient to fill a new primary school, and an appropriate financial contribution will allow for the educational need arising from the proposal to be met.

Therefore it is proposed to use a portion of this contribution to provide a permanent extension to one of the existing local schools in order to do this in respect of English medium provision, but no recommendation has been made by Education on which school at present. This is not likely to be decided until development starts as it depends on the capacity of the schools at the time. In respect of Welsh medium

provision, Education will consider how the contribution could be used to provide for this at a later date, due to this needing to be resolved alongside existing capacity issues in respect of Welsh medium education in the area.

Due to there being a policy in the Local Development Plan for the provision of a school on the site, the application is considered a departure to the Development Plan as one is not being provided, even though this is not requested by Education. Therefore, the application is required to be referred to the Welsh Ministers for consideration of whether they wish to call this in, prior to a decision notice being issued.

There are overhead powerlines and associated pylons running across the site, and a 20 metre buffer zone has been allowed for in the layout. Western Power Distribution have been consulted on this application and have indicated that this is acceptable. Moving the powerlines away from the application site was considered, but discounted due to the likelihood that they would have to be diverted via the SINC, which would not be considered acceptable on ecological grounds.

In respect of the visual impact of the development, the Landscape and Visual Impact Assessment has concluded that there would be significant impacts from some public viewpoints, including Dryscoed, Efail Isaf; Heol y Parc, Efail Isaf; The Church Village Bypass Community Route; Station Road; and from the Public Right of Way within the site itself. It is considered that this is to be expected due to the changing of character of the site from agricultural fields to a housing development. In respect of the closest of those viewpoints, i.e. Station Road and the Public Right of Way, it is considered that landscaping will reduce the visual impact as it matures.

In respect of the concerns raised by the Council's Public Rights of Way Officer, a Diversion Order is required in the north of the site for the Public Right of Way as its route will be altered. An Extinguishment Order is required through the rest of the site as the Public Right of Way will effectively become part of the Highway. The Public Rights of Way Officer is concerned that if these orders are opposed it may be difficult to argue that they are necessary as the site could be designed around keeping the Public Right of Way on its existing route with a more "green" setting. However, this would potentially reduce the number of houses provided further which would be unacceptable in terms of meeting the Council's targets for provision of houses.

Given this, and that it is unknown if the orders will be opposed, it is considered that this matter can be dealt with at a later date by the separate procedures outlined above. It is noted that the Taff Ely Ramblers have not objected.

The Local Development Plan requires that all residential developments of 5 units and over in the Southern Strategy Area provide a minimum of 20% affordable housing units. The application proposes that 56 of the units in the development will be affordable, which meets the requirement of the Plan. Planning contributions in respect of education provision and the Transport Tariff have been agreed.

Turning to other concerns raised by neighbours not addressed above, it is considered the drop between Meadow Brook and the site can be addressed by recommended conditions 26 and 35 in respect of engineering details of the internal road layout and provision of levels respectively. It is considered concerns regarding the impact of construction on neighbours can be addressed through conditions 9, 10 and 29. Public Health and Protection have noted in their comments that a Remedial Method Statement should be provided for the removal of the old coal gas main under recommended condition 11.

It is acknowledged there have been some inaccuracies in the submitted documents, but these have been assessed by the relevant officers who will have highlighted where errors are considered to be pertinent to the decision on the submitted scheme.

PLANNING OBLIGATIONS

It is recommended that a Section 106 is signed in respect of the following:

- **The provision of £1,017,331 for the provision of additional school places at local primary schools.**
- **The payment of a transport tariff of £658,752 towards improving the strategic highway network.**
- **The provision of an ecological management plan to ensure appropriate long term management of the Tonteg Marsh Site of Importance for Nature Conservation and the provision of compensatory habitat, the details of which shall be submitted to and approved in writing by the Local Planning Authority.**
- **The provision of 56 affordable houses on-site in accordance with the agreed schedule.**
- **The provision and management of a Locally Equipped Area of Play to be open to the public at all times, at the location shown on the submitted layout plan.**

CONCLUSION

In conclusion the development of this site for a residential scheme is considered acceptable. The site is allocated in the Local Development Plan, is within the settlement boundary and will contribute to the Council's overall housing provision. It is considered that the other matters above have been addressed to a satisfactory extent for approval to be recommended.

Therefore planning permission is recommended.

RECOMMENDATION: Approve subject to:

- 1. The Section 106 Agreement as detailed above;**

2. The referral of the application to the Welsh Ministers as a Departure to the Local Development Plan;

3. The conditions below:

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the amended/revised plan(s) received by the Local Planning Authority on 5th June 2013, 12th August 2013, 16th August 2013, 12th September 2013, 10th October 2013 and 16th October 2013.

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

3. Notwithstanding the submitted details, no development shall take place until a landscaping scheme and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme and management plan shall be carried out as approved and any subsequent variations shall be approved in writing by the Local Planning Authority. The scheme and management plan shall include the following elements:

- A review of the plans landscape and ecological potential and constraints;
- Species composition;
- Indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development (employing BS: 5837 'Trees in Relation to Construction');
- Pre-construction tree and hedgerow works;
- Detail, extent and type of new planting;
- Method statements for site preparation and establishment of target habitat features;
- Techniques and methods of vegetation establishment;
- Personnel responsible for the work;
- Timing of the works;
- Disposal of waste arising from the works;

- Details of maintenance and monitoring regimes;
- Details of any new habitat created on site;
- Details of treatment of site boundaries and/ or buffers around water bodies;
- Details of management responsibilities and provision of appropriate funding.

Reason: To ensure that the new development will be visually attractive in the interests of amenity, to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

5. The development for which permission is hereby granted shall not be commenced until full details of the surfacing materials proposed to be used on any roadway, footpath, car park, lay-by, play areas or other paved or metalled areas have been submitted to and approved, in writing, by the Local Planning Authority and the part of the development served by that area shall not be occupied until the works have been completed in accordance with the approved details.

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

6. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive

- working practices) to avoid impacts during construction;
- c. A timetable to show phasing of construction activities to avoid where possible periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles etc), along with measures to avoid impacts where this is not possible;
 - d. Details of specific species and habitat mitigation measures (including nesting birds, reptiles and amphibians);
 - e. 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 about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

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

7. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as mowing, strimming, or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/ root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and avoid harm occurring to the environment, in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the

tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. The above details shall be complied with, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

10. No development shall commence until a method statement addressing how noise and dust will be minimised on site during construction has been submitted to and approved in writing by the Local Planning Authority. This shall include a programme for construction and the name of the person who will be responsible for dealing with environmental issues. The development shall be carried out in accordance with the approved details.

Reason: To minimise the impact of construction on local residents, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

- A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study

should contain a conceptual site model.

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

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

12. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 11) for the relevant area of development have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

14. No construction works shall commence on site until design calculations duly certified by a professional engineer and constructional details of any retaining walls on the site and site boundary have been submitted to and approved in writing by the Local Planning Authority. Any retaining walls shall be constructed to the approved details prior to the development being brought into beneficial use.

Reason: In the interests of public safety and for the safety of highway users, in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf

Local Development Plan.

15. No works shall commence on site until a method statement incorporating mitigation measures required to deal with ground conditions, mine workings and mine shafts has been submitted to and approved in writing by the Local Planning Authority. All works for the relevant area of development shall be carried out in accordance with the approved details prior to any building works commencing within that area.

Reason: In the interests of public safety and the safety of all highway users, in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. Notwithstanding the submitted details, no development shall commence until full drainage details have been submitted to and approved by the Local Planning Authority in writing. Specifically, the details will include the requirement for surface water regimes to mirror predevelopment water quality and Greenfield conditions, at the previously agreed storm return periods of QBAR, Q5, Q10, Q30, Q50 and Q100 with 30% climate change for the assessment of the developed site. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 and provide protection of the SINC.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site and maintains representative flows to the SINC, in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

17. No dwelling shall be occupied until the drainage works relating to that dwelling 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.

18. Notwithstanding the submitted details, no development shall commence until measures to control groundwater issues from retaining walls have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that groundwater issues associated with the retaining wall cut features do not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure with regard to flood risk, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. No development shall commence until an approved method statement for excavation, installation and restoration of drain runs through the Site of Importance for Nature Conservation has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To minimise adverse impacts to the Site of Importance for Nature Conservation, ensure sympathetic working practices, restoration and monitoring of the site, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

20. No dwellings shall be brought into beneficial use prior to 1st September 2014 and no more than 30 dwellings shall be brought into beneficial use prior to 1st January 2015, unless the upgrading of the Rhiwsaeson Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority, or unless otherwise agreed in writing by the Local Planning Authority.

Reason: Without such works it is considered the proposed development would overload the Waste Water Treatment Works and cause pollution of the environment, and in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of measures to reduce car use on the site, and shall be implemented in accordance with the approved details.

Reason: To encourage sustainable travel, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

22. The “emergency access” on to Meadow Brook shall only be used by vehicles in an emergency, and there shall be no other vehicular access at any time. No development shall commence until details of how vehicular access will be restricted to emergencies only in perpetuity 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.

Reason: To ensure access is restricted, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

23. The development of Area 2 shall not commence until details of the construction of the shared footway and cycleway along the route of the existing Public Right of Way have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in

accordance with the approved details prior to the beneficial occupation of Area 2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the construction is satisfactory to serve this purpose, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

24. Area 2 shall not be occupied until the area of Public Right of Way between houses no. 33 and 52 the Ridings has been finished in surface materials to match those used on the adjoining shared cycle and walkway.

Reason: To ensure the construction of the access to the shared footway/ cycleway is acceptable, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

25. No works shall commence on site until full engineering design and details for the provision of a new road junction off Station Road to serve the proposed development including any improvements to the existing highway together with the relocation of the existing bus stop, provision of a puffin crossing and shared pedestrian / cycleway along Station Road linking with the community route abutting the A473 Church Village By-pass have been submitted to and approved in writing by the Local Planning Authority. These proposals shall be in accordance with the current highway design requirements and be implemented in accordance with a timetable to be approved by the Local Planning Authority prior to commencement of works on site.

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

26. Notwithstanding the submitted plans, infrastructure work shall not commence until full engineering design and details of the internal road layout including sections, street lighting, highway structures, raised junction plateaus, turning facilities, shared pedestrian cycle facilities, public transport infrastructure, footways, link footpaths, hard margin strips and associated works together with 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 details.

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

27. Notwithstanding the submitted plans, the private shared accesses including turning facilities shall be laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local

Planning Authority prior to works commencing on site. The development shall be undertaken in accordance with the approved details.

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

28. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

30. 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 for the relevant dwelling before the building is occupied. Development shall be carried out in accordance with the approved details.

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

31. Notwithstanding the submitted details, prior to the commencement of development a schedule and plan of finishing materials to be used on

houses and garages shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

32. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

33. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

34. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

35. Notwithstanding the submitted details, before any construction works or alteration of ground levels start on site, existing and proposed levels (including sections where relevant and slab levels) shall be submitted to

and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

36. Notwithstanding the submitted details, no development shall take place until a plan showing retained trees has been submitted to and approved in writing by the Local Planning Authority. This plan shall form part of a Tree Management Plan in which provision for protection of retained trees during construction (to accord with BS 5837: Trees in Relation to Construction) and agreed tree works (to accord with BS 3998: Tree Works) is provided and details of the personnel responsible for the provision of such measures are identified and agreed. All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

Reason: To ensure that the new development will be visually attractive in the interests of amenity, to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

37. No development shall take place until details of a Construction Environmental Management Plan have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plan.

Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

38. No development shall take place until details of site lighting mitigation to minimise light fall impacts on adjacent SINC habitat and flight lines/foraging areas, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

39. Notwithstanding the submitted details, no development in Area 2 shall take place until a scheme for ground works to raise ground levels on and around

plots 160 and 161 of Area 2 has been submitted to and approved in writing by the Local Planning Authority. This shall include details of tree retention and how the long term health of these trees will be secured by these works. The works shall be carried out in accordance with the submitted details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity, to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

40. Development shall not commence until a scheme for providing bat roosting features is submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: To secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

41. No more than 138 dwellings shall be occupied until the road connections at roads 6, 12 and 14 as shown on the Proposed Overall Site Plan (drawing no. G2782 (90) 100 Rev L received 10 October 2013), which connect the site and the wider road network to the remainder of the allocated housing site under Policy SSA10 of the Rhondda Cynon Taf Local Development Plan, have been constructed. The roads as constructed shall be permanently retained.

Reason: To ensure the whole allocated site can be developed in an integrated manner and a road link can be provided through the site in accordance with policies AW1, AW5, AW6 and SSA10 of the Rhondda Cynon Taf Local Development Plan.

42. Notwithstanding the submitted details, no development shall commence until the Local Planning Authority has received and approved in writing a Hydrological Impact Assessment including proposed mitigation, design details and a development program with respect to:

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

The works shall be carried out in accordance with the approved details.

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 flood risk, in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0179/08 (DB)
APPLICANT:	Rhondda Cynon Taff CBC
DEVELOPMENT:	Construction of a shared use community route between Talbot Green and Cross Inn together with access links to Llantrisant, Glamorgan Vale Retail Outlet, Talbot Green and Church Village, to include site clearance, boundary fencing, a new wooden bridge on the link to the Glamorgan Vale Retail Outlet, structural repairs to railway bridges, drainage works and associated works. (Amended plans received Mon 30 Sept which show the deletion of access links 9 and 12a, a revised position of link 5 and the K barrier to the rear of the woodlands, and additional land for drainage works and reptile mitigation)
LOCATION:	FORMER TAFF VALE RAILWAY LINE BETWEEN TALBOT GREEN AND CROSS INN.
DATE REGISTERED:	14/03/2013
ELECTORAL DIVISION:	Town (Llantrisant)

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RECOMMENDATION: Approve

REASONS:

The principle of the development is considered acceptable and is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on nature conservation and existing landscape features, residential amenity, drainage, highway safety, contaminated land and archaeology.

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APPLICATION DETAILS

This proposal relates to the provision of a 3m wide shared (for walking and cycling) community route, measuring approximately 2.4 km long. It occupies the footprint of the original Taff Vale Railway Line and starts at Talbot Green where Cowbridge Road has been crossed by the A473 and finishes at the eastern end of Cross Inn. It consists of Sections 4 -16 of the overall Proposed Llantrisant Community Route Scheme.

The route would be bounded either side by a 0.5 – 0.75 metre wide verge. The gradient is proposed to ensure that it is suitable for all users and provided at a maximum gradient of 1 in 12. The route is proposed to provide links to the Glamorgan Vale Retail Park at Llantrisant, and residential areas within Llantrisant and Cross Inn adjacent to Hayfield Place, Westfield Court, Burgess Crescent and Fan Heulog. The route would also link with the existing community routes of the Llantrisant Community Route and the Church Village Bypass (CVBP) Community Route.

The surface would be constructed of black bituminous and the signing would be the same standard signs as already provided as part of the community route of the (CVBP). At either end of the route and at the majority of the proposed links there would be “A” frames or K Barriers with lockable gates, in order to prevent unauthorised vehicles from entering the route, with access restricted for maintenance and emergency purposes.

Street lighting is not proposed to be used, in keeping with the remainder of the adjoining community route of the CVBP.

It is proposed that the route would be less conspicuous in the landscape than the original railway route, as the surrounding woodland has matured and site clearance would be limited to that necessary to provide the route, to have minimal impact on plant and animal life and preserve the natural character of the area. However, it is proposed that, where needed, existing vegetation would be cleared back to existing boundary fence lines or to the edge of existing embankments in order to maximise available light, improve natural surveillance of the route and increase users perception of personal safety.

Where vegetation clearance works expose unsecured property boundaries 2m high close boarded fencing would be provided in order to ensure adequate security is maintained to existing properties.

All site clearance would be undertaken in accordance with the recommendations in the submitted ecological surveys and works would be clearly marked to ensure no disturbance to remaining vegetation. Some minor soft landscaping is proposed where required and street furniture in the form of seating benches, and combined dog waste and litter bins would be provided.

In terms of construction details, the remaining railway tracks and sleepers would be removed and the railway ballast would be retained as a solid free drainage material as a base layer, reprofiled to provide an even grade and compacted prior to surfacing with granular material and finished with tarmac. Either side of the route excavated railway ballast would also be provided. Only a small amount of material would be removed from the site.

There would be structural repairs, vegetation clearance and alterations to the parapets of four existing bridges along the route. These are the rail bridge adjacent to Maes Yr Haul Cross Inn (Bridge No. 4)), rail bridge at Main Road Cross Inn (Bridge No.5) , road bridge of the A4119 (Bridge No. 6) and the footbridge and road bridge at Cardiff Road (Bridge No's 7 and 7a). A new wooden bridge is proposed to link the route to the Glamorgan Vale Retail Park.

Surface water drainage and ground water is proposed to be managed at source to connect into existing streams and watercourses as it does so at present. There are some areas which experience existing drainage problems in terms of blocked drainage culverts, water logged ground and overgrown drainage ditches. These issues are proposed to be addressed to ensure they are not a maintenance issue.

Sections of the route have been identified for public artworks and these features are to be pursued separately by Sustrans at a later date.

The application is accompanied by the following documents:

- Planning Statement dated February 2013.
- Design and Access Statement Document Revision B.
- Factual Ground Investigation Report No. G316/FGI dated August 2013.
- Tier 1 Contamination Assessment Report dated March 2011.
- Hydrological Impact Assessment Dated August 2013.
- Ecological Surveys Report Dated Dec 2011.
- Bat Surveys(Cardiff Road Bridge) dated July 2013.
- Reptile Mitigation Strategy dated June 2013.
- Updated Otter Survey dated June 2013.

SITE APPRAISAL

The majority of the route would utilise the former Taff Vale Railway Line which runs adjacent to the A473. It commences at the western end at Cowbridge Road which is severed by the A473 Bypass and ties into the Community Route of the Church Village Bypass at its eastern end at Cross Inn.

The route traverses through the settlements of Talbot Green, Llantrisant and Cross Inn and is bounded by primarily residential areas, by the proposed residential land allocated in policy SS10.14 (Penygawsi), by SINC (policy AW8.147) by the Glamorgan Vale Retail Park and Tesco, Talbot Green.

For some of the route only railway ballast remains, whilst for other parts there are concrete and wooden sleepers and at the eastern end the former railway line also remains in place.

Large areas of the route remain clear of vegetation and are easily accessible but there are sections which are heavily overgrown and not easily accessible. The route

appears to be used for a number of purposes: for informal recreation, by local residents to access the Glamorgan Retail Park and by children travelling to school.

PLANNING HISTORY

11/0498	Former Taf Vale Railway Line Between Talbot Green & Cross Inn (disused)	Construction of Community Route.	Withdrawn 16/05/12
87/0560	A473 Lanelay Road, West of Talbot Green and Llantrisant By-pass	Single dual carriageway roads with junctions and access roads	No objection. raised 28/07/87

PUBLICITY

The application has been advertised by means of a press notice, site notices and neighbourhood notification. Following the receipt of amended plans on 30 September 2013, the application was advertised by means of a press notice, site notices and via neighbourhood notification to those persons who made representations previously. The following representation has been received:-

13 letters of support have been received making the following comments:-

- Existing Church Village route is very valuable in providing a traffic free path, avoiding busy roads, suitable for all, including disabled persons, and children attending nearby schools including Y Pant and Penygawsi and for recreational and commuter use.
- Will provide a pleasant, enjoyable and safe route, avoiding the urbanisation of Talbot Green.
- A welcome addition for young and old who enjoy the great outdoors.
- The new section will add to enjoyment and pleasure for the area and provide a destination for recreation and tourism for the Llantrisant and Talbot Green area.
- Suggest that an additional link is provided to serve the Cross Inn Area.
- Suggest that the parapet on the bridge adjacent to Maes Yr Haul, Cross Inn is raised in height to prevent vandalism to adjacent residential property, and that fencing is extended 50 -100m either side of the bridge in view of the steep incline either side of the railway track.
- Requested further details about the nature of the fence and gate to be provided adjacent to a private drive to an existing residential property.
- Have always thought the railway line would be an excellent idea and hope it gets built as early as possible.

- Whilst backing onto existing route, have not experienced anti-social behaviour, noise or off-road bike use.
- The location, design and access points seem well thought-out.
- Planning approval will improve the area in terms of sustainable transport, economic benefit and health and wellbeing of the local population.
- Greatly benefit the area in terms of health and fitness and providing a safer route for shoppers to the Glamorgan Retail Park from Talbot Green and the new centre on the Leekes site.
- Until the encroachment of vegetation 15 years ago, regularly use to walk along the route, welcome opportunity to travel again on a well maintained footpath.
- Will help the Council in supporting the aims of the Welsh Government's active travel bill.
- The route forms an important section of the seven-yearly "Beating of the Bounds" ceremony and the Town Trust and Freemen are hopeful that the route would be completed before the next walk in 2017.

5 letters of objection have been received making the following comments:-

- Something that the community do not want should not be allowed.
- There should be no detriment to adjoining users, (Para 11.2.5 of PPW).
- Routes which increase crime risks such as isolated routes to the rear of premises which are not easily overlooked should be avoided, (Para 5.11.6 of TAN12).
- There should be no significant impact upon the amenities of neighbouring occupiers, (Policy AW5 of the LDP).
- The development should design out the opportunity for crime and anti-social behaviour, (Policy AW5 of the LDP).
- The links should be provided without being obstructive or impacting on the neighbouring occupiers (Policy AW5 of the LDP).
- The construction of a fence is put forward to alleviate the above but will exacerbate the problems.
- The path runs immediately behind existing residential properties at an elevated level which will allow unobstructed views into bedroom, landing and bathroom windows, causing security problems particularly as route will be unlit.
- Drainage of the route needs to be addressed as there are substantial flows of water towards Main Road Cross Inn.
- Proposals should be in place to deal with potential fire hazard, in view of substantial build up of flammable material adjacent, and to deal with vandalism, littering and dog fouling.
- Main Road is already used as a car park for ramblers and cyclists using existing route.
- Stopping the path opposite the Cross Inn Pub would save both money and anxiety.

- Less costly options are available.
- RCT will be managing substandard railway infrastructure when it already fails to maintain its own highway and drainage infrastructure.
- Users will be able to look directly into residential property in Mayfield Place Llantrisant, (like a goldfish bowl) resulting in a loss of privacy.
- The public highway parallel to the scheme could be improved to provide an adequate cycleway to save costs bearing in mind the railway is scheduled to reopen.
- There is no safety audit to justify the scheme.
- The scheme would mean that the Authority would be colluding with Network Rail regarding its statutory obligations regarding drainage matters.
- In dispute with Network Rail which has caused flooding and so land cannot be acquired until this matter has been resolved.
- The land ownership is in dispute and notice should be served on an adjacent residential property.
- This scheme blights land that could be used for housing, and containing the route to the railway line results in a lesser standard of cycleway being provided.
- There is no viable economic grounds for retaining the route for railway use.
- Removal of the railway option would allow the removal of the road embankment and parapets of the railway bridge of Old Cardiff Road.
- Would lead to antisocial use and security problems from as early as 6am and as late as 10pm to residents in Cross Inn.
- Other Authorities are involved in providing gates to back lanes on security grounds,
- On grounds of loss of amenity the scheme should be refused as Network Rail failed to police and prevent theft and vandalism.
- There has been no public consultation on other options.

As a result of the second period of advertisement, two letters have been received raising objection, although no new issues have been raised. One letter has been received re-emphasising support and which considers the new location of the 'K' barrier to the rear of the woodlands to be an improvement but the deletion of links 9 and 12a to be a shame.

Other issues not related to this scheme or to planning are raised.

CONSULTATION

Glamorgan Gwent Archaeological Trust – raises no objection to the granting of planning consent.

NRW – raises no objections. Satisfied that sufficient survey work has been undertaken for the relevant European Protected Species (otters and bats). Recommends consultation with the Council's Ecologist re reptile mitigation strategy. In order to comply with the Council's duty under Section 40 of the NERC Act - to

have regard to conserving biodiversity, the planning decision should take account of possible adverse effects on such interests.

Council Ecologist – raises no objections. The bat and otter ecological work has been completed and no roosts or significant use was identified which would require a European Protected Species Licence. Together with the improved reptile mitigation proposal and the deletion of the access link to the east of the A4119, considers that sufficient ecological survey, assessment and mitigation has been undertaken. Recommends conditions to be attached to any permission granted.

Crime Prevention Design Advisor – provides comments and recommendations to ensure that the scheme takes into account Secured By Design (SBD) and the perception and fear of crime and anti-social behaviour.

Transportation Section – raises no highway objections subject to conditions.

Land Reclamation and Engineering Section – raises no objections and recommends drainage conditions on any approval issued.

Public Health and Protection Division – raises no objections and recommends conditions regarding the construction activities in terms of hours of operation, dust suppression, contaminated land and the disposal of waste.

POLICY CONTEXT

Local Policy

Rhondda Cynon Taf Local Development Plan (LDP)

The site is located within the settlement boundary and is allocated for development in accordance with policies SSA19.2 & 3 and SSA21.6, as detailed below.

Policy CS2 – sets out how sustainable development will be achieved, including at (2) promoting the reuse of underused and previously developed land and buildings, (6) promoting sustainable forms of transport, (8) promoting and enhancing transport infrastructure services to support growth and investment.

Policy CS8 – sets out how improvements to the strategic network will be secured. These include walking and cycling provision in accordance with Policy SSA21.

Policy AW5 – supports development where amenity and accessibility criteria are met, including Amenity a) no unacceptable effect on the character and appearance of the site and the surrounding area, b) where appropriate, existing site features of built and natural environment value would be retained, c) there would be no significant impact upon the amenities of neighbouring occupiers, d) the development would be compatible with other uses in the locality, f) the development designs out crime and anti-social behaviour, and Accessibility c) the development would have

safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 – supports development with a high standard of design and place making including where the design protects and enhances the landscape and biodiversity.

Policy AW7 only permits development which would seek to protect and enhance existing built environment features.

Policy AW8 – only permits development which would preserve and enhance features of the natural environment subject to certain criteria being met.

Policy AW10 - does not permit development which would cause or result in a risk of unacceptable harm to health and /or amenity because of 2) noise pollution, 3) light pollution, 4) contamination, 7) water pollution and 8), flooding.

Policy SSA19.2 & 3 – safeguards land for the provision of new stations at Cowbridge Road - Talbot Green and Cardiff Road – Llantrisant as part of the development of a passenger railway service.

Policy SSA21.6 states that the existing network of cycle paths and community routes will be extended, improved and enhanced, to include schemes at Pontypridd to Tonyrefail via Llantrisant.

National Guidance

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

Planning Policy Wales Chapter 3 (Making and enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 11 (Tourism, Sport and Recreation), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted

PPW Technical Advice Notes (TAN) 13: Tourism, 5 Nature Conservation and Planning, 10 Tree Preservation Orders, 11 Noise, 12 Design, Development and Flood Risk, 16: Sport Recreation and Open Space, 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

Impact on nature conservation and landscape features

Impact on residential amenity, crime and anti social behaviour.

Principle of the proposed development

The proposed community route involves the provision of a sustainable means of travel for walking and cycling for both short trips and as part of longer journeys for recreation and tourism purposes. The route is proposed as a continuation of the existing community route network, including the Church Village Bypass Route and the Llantrisant Community Route. The route therefore forms part of the improvement of the strategic transport infrastructure system to assist with the growth and investment proposed by the LDP.

The proposed route would utilise a disused railway line and would provide a segregated, traffic free route with new links to residential areas as well as the Glamorgan Vale Retail Park.

The disused railway line forms part of the Pontypridd to Tonyrefail via Llantrisant proposed community route , as included within Policy SSA 21.6 of the LDP. Land is also safeguarded for new stations at Cardiff Road - Llantrisant and at Cowbridge Road -Talbot Green as part of the development of a passenger railway service in accordance with Policy SSA19. 2 & 3 of the LDP. Whilst these policies would appear contradictory, it is considered that were the passenger railway service to be developed in the near future, then the provision of a cycleway along the disused railway would not prejudice the development of this service.

In conclusion it is considered that the principle of the proposed development is acceptable.

The main considerations in the determination of the application are the impact on nature conservation and landscape features and impact on the amenities of neighbouring properties.

Impact on nature conservation and existing landscape features

The application is accompanied by an original Ecological Report dated December 2011 which has been updated with a Bat and Otter Survey and a Reptile Mitigation Strategy, all dated June 2013. The Bat Survey relates to the bat usage of Cardiff Road Bridge, the Otter Survey is an updated otter survey and the Reptile Mitigation Strategy involves a strategy for avoiding risk and/or injury to the high reptile

populations of slow worms and common lizards along the route. These reports have been assessed by Natural Resources Wales and the Council's Ecologist. Natural Resources Wales have advised that sufficient survey work has been undertaken for the relevant European Protected Species (otters and bats) and has advised that no roosts or significant use have been identified which would require a derogation license. The Council's Ecologist has advised that the original baseline ecology survey together with the reptile mitigation strategy represents sufficient ecological survey work and assessment. The Council's Ecologist has raised no objections subject to the imposition of conditions to ensure adequate mitigation is implemented.

It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on nature conservation.

The original Ecological Report also assessed the impact on existing trees and habitats along the whole route. Areas of broad-leaved woodland, dense scrub, scattered scrub and trees, semi-improved grassland and marshy grassland would be lost along the 5 metre clearance corridor. Subject to a number of mitigation measures to include supervised site clearance outside the bird nesting season and section felling of larger trees to minimise the impacts on birds and bats, these losses are assessed as being a minor negative impact. Furthermore, no important hedgerows or trees covered by a Tree Preservation Order would be effected by the clearance works.

Overall it is considered that subject to the imposition of conditions to secure a wildlife protection plan, the provision of bird and bat boxes, the provision of a reptile mitigation scheme, the protection of retained trees, the treatment of Japanese knotweed and inclusion of tool – box talks, the impact on nature conservation and existing landscape features would be acceptable.

It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on existing landscape features.

Impact on residential amenity and perceived effects of crime and anti social behaviour

As the proposed community route and its links are situated in close proximity to a number of residential properties there is the potential for the route and for construction activities to have an impact on the residential amenity of these properties and to generate crime and anti-social behaviour. The proposals include a number of measures to ensure that these impacts would be minimised.

The design of the route has avoided sharp corners and turns and users of the new route should help to provide natural surveillance for neighbouring properties along the route. The use of appropriate signing should create an awareness for users of how to behave. In addition, the scheme avoids concerns regarding light pollution as,

in line with the adjoining Church Village Bypass Community Route, the route is not proposed to be lit.

The route involves the use at either end and at the majority of the proposed links of "A" frames or K Barriers with lockable gates, in order to prevent unauthorised vehicles, such as off road motorcycles from accessing the route, with access restricted for maintenance and emergency purposes only. Local concern has been expressed about the absence of such a barrier adjacent to Maes Yr Haul/Bryn Yr Haul. It is therefore considered that an additional barrier should be provided to remove perceived risks at this location.

The provision of close boarded fencing up to 2 metres in height along the boundary of the route to adjacent residential properties and raising the heights of bridge parapets and use of galvanised wire meshing should reduce the impacts on the majority of properties along the route. It is considered that the precise details of the location and heights of the fencing and boundary treatments should be secured by condition following site clearance in order to ensure that a robust and secure boundary is provided.

It is considered that for those residential properties immediately adjacent to the route, with limited rear gardens, (at the Cross Inn end) there is the potential for the perception of privacy and overlooking issues still to arise. It is considered that the planting of specimen trees at these locations, to provide a visual screen, should be secured by condition to minimise these concerns. The deletion of the Cross Inn section of the route has been considered by the applicant but has been discounted as it would result in users joining the route at a location likely to cause a highway safety issue.

Street furniture in the form of seating benches, combined dog waste and litter bins are proposed, but the location of these features has not been provided. It is considered that the location should be secured by condition, to ensure that they do not cause an impact on residential amenity.

It is considered that effective management of the proposed route is necessary in order to ensure that the adjoining properties feel safe and secure and this can be also secured by condition.

In relation to construction activities, the Public Health and Protection Division have recommended conditions in order to restrict the hours of work so that they do not occur during anti-social times of the day and that best practice is employed to minimise noise and dust generation. Conditions are therefore recommended regarding the permitted hours of construction and to ensure that noise and dust emitted is not a source of nuisance to the occupants of nearby residential properties.

In conclusion, it is considered that with the imposition of conditions to control the hours of working, minimise noise and dust during the construction activities,

conditions to secure appropriate fencing, landscaping, street furniture and long term management of the route, there would be sufficient measures in place to alleviate concerns raised by local residents and ensure that the impact on residential amenity, crime and anti-social behaviour should be minimised to acceptable levels.

OTHER ISSUES

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

Drainage

There is no identifiable positive drainage throughout the majority of the route although most of the route is made up of railway ballast which is generally well draining. There are a number of drainage ditches and culverts which would be potentially affected by the proposed development which are believed to drain into the Afon Clun. The proposed drainage design allows for draining the impermeable areas into the railway ballast, a 1 in 100 year probability flood event plus 30% for increase as a result of climate change, the clearing of the existing culverts and ditches to enable optimum performance and providing additional ditches to match existing. The Hydrological Impact Assessment accompanying the application focuses on the impacts on the local and wider hydrological environment of the Ely catchment. The Assessment has identified a number of mitigation measures to be incorporated into the construction design and concludes that the proposed works should have little or no negative effect on the existing drainage systems, in terms of water quantity and water quality. NRW and the Council's Drainage Officer have considered the proposals and have raised no objections to the scheme. It is therefore considered that the representation received in respect of the drainage implications of the proposed development have been addressed subject to a condition to secure compliance with the Hydrological Impact Assessment.

Highway Safety

Highway safety matters of the proposed community route primarily extend to the provision of the new links to the existing highway network, either to existing estate roads, public footpaths or to retail development and to the likely disruption of the construction operations. The Council's Transportation Section initially raised concern about the link to the Glamorgan Retail Park. However, the amended plans received 30.09.13 have overcome these concerns by relocating the link so that it joins up with an existing footway. No objections have now been raised subject to the imposition of conditions to require a road safety audit prior to beneficial use and a construction method statement.

Contaminated land

As the site runs along a former railway line there is the potential for contamination to exist on the site. A Tier 1 Contamination Assessment Report and a Ground Investigation Report accompany the application. The Council's Contaminated Land Officer has considered these documents and has advised that the contamination on the site has been assessed as low. Therefore no objections are raised subject to a condition to provide a validation report prior to beneficial use.

Archaeology

As the route follows the line of the former Llantrisant and Taff Vale Junction Railway, the Glamorgan Gwent Archaeological Trust Limited (GGAT) has been consulted. GGAT have advised that the railway was constructed across open land where there were no known archaeological sites when it was originally opened in 1863. GGAT have advised that whilst sections of rails and sleepers still survive, all notable features (apart from the bridges crossing the lines) have been removed and the station at Cross Inn demolished. GGAT therefore raise no objections to the granting of planning permission.

Conclusion

In conclusion, it is considered that the proposed community route would comply with the relevant policies of the local development plan in respect of its impact on nature conservation and existing landscape features, residential amenity, drainage, highway safety, contaminated land and archaeology, (policies AW5, AW6, AW7, AW8 and AW10). It is considered that the scheme would not be so demonstrably harmful to interests of acknowledged importance that they would justify rejecting the scheme in the public interest.

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 permitted shall be undertaken in accordance with the submitted Ecology Report (Mitigation Measures), Reptile Report (Mitigation Measures), Reptile Mitigation Strategy (with revised submitted plans dated 30.09.13), unless otherwise approved by the Local Planning Authority.

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

3. The use of the community route hereby permitted shall not commence until

details of the type and location of combined dog/litter bins and seating benches, to be provided have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with that approval. The facilities shall be maintained thereafter as approved.

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

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority 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 retained together with measures for their protection during the course of development, and the provision of specimen tree planting at the Cross Inn end of the Community Route.

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

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

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Furthermore an additional A frame or K barrier shall be provided adjacent to the entrance to the community route adjacent to Maes yr Haul/Bryn Yr Haul. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

7. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

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

Plan.

9. Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia japonica*, *Rosa decraene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

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

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

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

11. The use of the community route, hereby permitted, shall not commence until the measures approved in the scheme (referred to in Condition 10) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

14. The development hereby permitted shall be implemented in accordance with the submitted Hydrological Assessment regarding mitigation, design details and development with respect to:

- Protection of open and culverted sections of the existing watercourse during and after construction;
- Protection of properties downstream of the development from increased flood risk during and after construction owing to the development;
- Protection of properties within the development from flood risk; and
- No surface water to discharge onto the public highway/or highway drainage system, unless otherwise agreed in writing by the Local Planning Authority

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.

15. The Community Route shall not 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.

16. The proposed development shall be carried out in accordance with the submitted engineering design and details unless otherwise agreed in writing by the Local Planning Authority.

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

17. Prior to the development being brought into use, a road safety audit shall be carried out and submitted to and approved in writing by the Local Planning Authority and any mitigation measures identified shall be implemented in accordance with the approved details.

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

18. 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;
- pollution prevention measures;
- the suppression of dust caused by the moving and storage of materials to and from the site, from site excavations and disturbance at site entrances;
- provision of a water bowser to spray roads when required, with an adequate water supply;
- use of silencing equipment on machinery and vehicles;
- notification to the Local Planning Authority and local residents of any particularly noisy or disruptive activity.

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 residential amenity and the safety and free flow of traffic, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

19. Prior to the beneficial use of the community route hereby permitted, a

management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include, inter alia, details of how the community route would be operated, managed and maintained by the developer to ensure that the route, boundary treatment and facilities are secure, and that they design out crime. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the 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.

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APPLICATION NO:	13/0409/10	(LE)
APPLICANT:	Mr N Ham	
DEVELOPMENT:	Change of use from former Public House and part residential to full residential use, comprising of 6 no. flats with associated rear parking. Works to include demolition of existing side and rear extension (in part) and erection of new rear extension. (Amended Plan Received 30.9.2013)	
LOCATION:	CROWN HOTEL, YNYSWEN ROAD, YNYSWEN, TREHERBERT, TREORCHY, CF42 6EG	
DATE REGISTERED:	28/05/2013	
ELECTORAL DIVISION:	Treorchy	

RECOMMENDATION: APPROVE

REASONS:

The application is considered to represent a compatible conversion of an existing vacant premise to residential use. The scheme is acceptable in principle and unlikely to have a harmful impact on the existing character and appearance of the area or the residential amenity of those living closest to the site.

APPLICATION DETAILS

Full planning permission is sought for the conversion of the Crown Hotel, Ynyswen Road, Treorchy into six residential units (flat accommodation). A number of external alterations to the rear and side elevations of the existing building are proposed including the erection of a two-storey extension following the demolition of an existing single storey extension and the excavation of the rear of the site to provide 7

off-street car parking spaces. No significant changes are proposed to the front facade of the building.

In detail it is proposed to create six, self contained units across the three-storeys of the existing building (including the roof space). Three units would be created at ground floor level and three units created on the first floor and roof space of the building. In total, three, single bed flats and three, two-bedroom flats would be created. It is detailed that pedestrian access to the new units would be available from Ynyswen Road via the existing main access to the building that would serve as a central foyer/staircase area for the new accommodation.

The key external alterations proposed to the existing building include the demolition of a narrow extension with steeply sloping roof design to the eastern side of the building, and the demolition of the car port/single storey extension to the western side and rear of the building. The demolition of these structures would allow a narrow vehicle access to be created around the building to serve 7 off-street car parking spaces being proposed to the rear of the site. In order to accommodate 4 of the proposed 7 car parking spaces the existing rear amenity area would be excavated and retained through the erection of a 3.0 metre high retaining wall. A two-storey extension is also proposed to the rear of the building, replacing in part, the existing single storey rear extension to be demolished. It would be erected alongside an existing, larger two-storey extension, measuring 2.7 metres by 2.5 metres with a flat roof design. An existing rear chimney stack would be removed as part of the works and a number of sky lights would be introduced to the roof planes of the main building following its re-tiling as part of the works (two skylights to the front and six skylights to the rear). The rear window and door fenestration would be amended as part of the works with an additional ground floor window being inserted within the eastern side of the building.

The applicant's supporting information highlights the premise has been vacant for over two years, although the building has experienced limited investment over the course of several years and is entering a state of disrepair. Whilst a range of possible options for the regeneration of the building have been examined, a conversion to solely residential use appeared to offer the best option to retain the existing building and offer a viable and sustainable future for the site. The intentions are to preserve an important element of the urban landscape for the long term, whilst providing multiple residential apartments for the locality.

The planning application is accompanied by a Design and Access Statement.

SITE APPRAISAL

The application site consists of the Crown Hotel Public House that is prominently located on the busy Ynyswen Road, within the built up area of Treorchy. The large, two-storey building (with large roof space) appears as a distinctive and characteristic building that acts as a counterpoint to the surrounding residential properties in the

locality. The attractive front elevation of the building has an elaborate terracotta finish (in the main) and is set back approximately 1.5 metres from the pedestrian and vehicle highway fronting the site. The side and rear elevations of the building have a more simple, rendered finish. There is a narrow addition to the east of the main building and a car port structure, accessed via a steel roller shutter, positioned to the western side of the main building. There are flat-roofed and pitched roof, two-storey extensions positioned toward the rear of the main building.

The rectangular curtilage of the building covers an area of approximately 720 square metres with a large although poorly maintained amenity/garden area positioned to the rear. The rear topography of the site climbs substantially from the ground level of the building and is defined by high boundary walls. There is a semi-detached property situated to the west of the application site with a new housing development positioned to the east. More traditional terraced properties are positioned opposite the application site on the southern side of Ynyswen Road.

PLANNING HISTORY

No recent relevant planning history attached to the site.

PUBLICITY

The application has been advertised by direct neighbour notification letters and the posting of site notices in the immediate area. Nine letters of objection have been received against the planning application from local residents. The concerns raised are summarised as follows:

- The proposal would exacerbate parking and highway safety in an already busy locality.
- Access and egress to the development site is dangerous, would reduce existing on street parking capacity and has limited visibility.
- There are a number of schools within close proximity to the site and there have been recent accidents in the area. The new junctions would only add further traffic safety issues to the area.
- More traffic would mean more vehicle movements and associated noise disruption.
- The applicant has requested the neighbour remove boundary walls to increase visibility and allow safer access to the site.
- Comments are raised about Fire Brigade access and whether the site has the relevant water power ratio required in relation to a fire situation.
- More drainage pressures on the area.
- Overdevelopment on Ynyswen Road – particularly the development of social housing schemes, resulting in more chaos and tensions for existing residents.
- The scheme represents residential overcrowding and would de-value the community.
- Already numerous rented problems in the area.

- Flats are out of keeping with the character of the area.
- Unsuitable use that would be detrimental to the lives of people in the community.
- Residents are unsure about who would occupy the flats.
- Limited garden space for the properties.
- Alternative community use should be sought for the building.
- Concerns are also raised about the adjacent new build development, in relation to the nature of the occupants and drainage issues.

CONSULTATIONS

Transportation Section – raise no objection. It is stated the parking requirement for the use of the building as a public house is significantly higher than the proposed use for six residential units. Whilst on-street car parking demand is high within the area, the proposed seven off-street car parking spaces are considered acceptable with the application site being situated on a bus route and the size of the proposed units being generally small.

The two vehicular access/egress points are acceptable to the highway authority and would mitigate against the potential of reversing movements out onto Ynyswen Road. The proposal also provides for a granite rumble strip at the exit point to reduce speed of vehicles exiting the car park in the interests of pedestrian safety, although a condition is suggested to ensure a rumble strip is also introduced at the access point and therefore reduce the speed of traffic crossing the footway into the site. There is some concern that on-street car parking could potentially obstruct visibility out onto Ynyswen Road however the concern is not substantial to warrant a highway objection. The proposal would require the significant excavation of the rear amenity area and as such the highway authority would require a conditions survey of the footway and carriageway in close proximity to the site to be undertaken and any damage caused as a result of the development should be rectified by the developer/or compensation appropriately paid to the Council.

Public Health & Protection - raise no objection, subject to a condition restricting hours of operation during the construction phase of the development.

Fire Service – raise no objection although advise the developer should consider the need for provision of adequate water supplies on site and access for emergency fire fighting appliances.

Countryside Landscape and Ecology - raise no objection, following the submission of a thorough and competent bat survey that concludes the application building is not occupied by roosting bats.

Natural Resources Wales - raise no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is within the settlement boundary and unallocated.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf between 2006 – 2021. AW1.5 refers directly to the conversion of suitable structures to provide housing.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW5 - sets out criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

Policy AW7 - states that development proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

Policy NSA12 - seeks to encourage housing development within and adjacent to settlement boundaries (subject to criteria).

Policy NSA13 - supports the rehabilitation and conversion of large buildings for residential purposes that are situated within the settlement boundary.

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the Development

Full planning permission is sought for the conversion of the Crown Hotel to form independent residential units. The scheme seeks to provide six flats, ranging from single to two bedroom units, within the fabric of the existing building following the demolition of two-existing side additions and the erection of a small two-storey rear extension at the site. The building itself is located within settlement limits and within reasonable distance of the retail centre of Treorchy and within walking distance of a number of local amenities and facilities within the surrounding built up area. The application site is also situated on Ynyswen Road that is a main bus route. Furthermore, the proposal would result in the positive re-use of a vacant, slowly decaying building with planning policy promoting the re-use and conversion of existing buildings in sustainable locations, as such proposals can often assist regeneration and at the same time, relieve pressure for development on greenfield sites. In this instance, the proposed residential use of the building is considered compatible with surrounding land uses and is an acceptable form of development in principle.

Impact on the character and appearance of the area

In terms of the impact of the scheme on the visual appearance and character of the area, in order to convert and subdivide the building, it would be necessary to carry out alterations to the building, although the majority of these alterations would be undertaken to the less prominent rear and side elevations of the building, and contained within the interior of the property. Importantly the proposal involves no significant external changes to the key front elevation of the building. The historic and visually distinctive frontage of the building that positively contributes to the variety and relief in the townscape of the area would therefore be retained in its current form to the benefit of the visual amenity of the street scene. It is acknowledged the scheme was subject to pre-application discussions that were undertaken with the Councils Conservation Officer who welcomed a scheme that provides a viable future use for the building whilst retaining the existing building, particularly the key frontage.

The removal of the existing side additions would have no significant or harmful impact on the overall appearance of the building. The creation of the rear turning and parking areas would require a degree of engineering works and the erection of a high retaining wall, although there is already a high retaining wall positioned to the rear of the building, with the rear of the site also being well screened. Such a retaining wall would therefore not form a visible or incongruous feature and would also allow a level of shared garden space to be retained at the site. Furthermore, with six individual units being proposed (and pre-application discussions held with the applicant advising against a proposal to convert the building to a larger number of units), it is not considered the scheme would lead to either overdevelopment or an

over-intensive use of the site. In summary, it is therefore considered that the proposed re-use of the building for residential purposes would have no unacceptable impact on the character or appearance of the locality.

Impact on residential amenity and privacy of neighbouring residential properties

It is not considered the re-use of the building for residential purposes would unduly compromise the amenities of nearby residents. It is noted the site has historically traded as a public house (with associated living/guest accommodation at one point) and would have operated into the late evening and potentially resulted in a degree of noise and disturbance being experienced by local residents when patrons entered and left the public house premises. In comparison to the previous use, it is therefore considered the proposed residential use would be more compatible with neighbouring residential uses.

It is acknowledged that the building forms a significant feature in the street scene and a number of the window openings, serving the front of the building in particular, are situated within close proximity and direct site of the front elevations of neighbouring residential properties (situated on the southern side of Ynyswen Road). However, this is a situation that neighbouring residents would have been accustomed with and this is a common arrangement between terraced properties within the locality. In addition, no alterations are proposed to the existing window arrangement within the front elevation of the property, with the rear windows of the building overlooking the proposed parking and rear amenity area associated with the application building. The additional window proposed in the eastern side of the building would be introduced at ground floor level and face directly toward a high boundary wall. The habitable room windows toward the western side of the building (that already exist within the building) face toward the blank, gable elevation of the adjacent semi-detached property. It is therefore unlikely that the proposal would have any adverse overlooking impact in comparison to the existing arrangement at the site (comments raised from neighbouring residents raising no concerns in relation to direct overlooking or overshadowing as a result of the proposal).

Whilst some concern is raised in relation to the potential disturbance that may arise as a result of vehicle movements to and from the proposed rear parking area, in the main, the parking area is well screened from adjacent residential properties with the scale and level of vehicle movements unlikely to have a harmful impact on the amenities currently enjoyed by neighbouring properties. Comments that have been raised by neighbouring residents in relation to such matters as the likely occupiers of the building, the number of flats and rented properties in the area, and the negative impact such a use would generally have on the community are all acknowledged, although are not considered to be reasons to warrant refusal of the scheme, particularly when balanced against the planning merits of the proposal.

Highway safety issues

It is relevant to consider the potential impacts of the development upon highway safety in the vicinity of the site, with consideration to the comments raised by local residents in this regard. Following consultation with the Council's Transportation Section, no objections to the proposal have been raised. Their assessment has taken into account the existing permitted use of the premises as a public house, and the parking requirements and traffic movements that such a use could potentially generate. It is concluded that the impacts resulting from this use, or any other A3 use to which the building could revert, would be greater than that of the residential units being proposed. Their comments acknowledge that the proposal also includes the provision of seven off-street car parking spaces at the site, and whilst on street parking demand is high in the area, such off street provision is acceptable for the six units being proposed. There is limited visibility for vehicles exiting the site due to the boundary wall of the adjacent development, although given that speeds are likely to be slow due to the narrow width of the exit point and the proposed introduction of a rumble strip, on balance, no highway objections are raised against the scheme. There is some concern that on-street car parking could potentially obstruct visibility out onto Ynyswen Road, however the concern is not substantial to warrant a highway objection. Overall, it is not considered the proposal would have a harmful impact upon highway safety that would be so adverse to warrant refusal of the planning application.

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:

Ecology

The Council's Ecologist has raised no adverse comments against the scheme with a satisfactory Bat survey being undertaken for the application building and no records of statutory protected species from immediate vicinity according to SewBrec data.

Public Health and Protection, and Fire Safety

Following consultation with the Councils Public Health and Protection Division and the Fire Service no objections have been raised against the scheme.

CONCLUSION

The determination of this application requires careful judgement of each of the issues that the case raises, with particular regard to balancing the merits of such a proposal against any harmful impact such a scheme may pose. Representations have been received against the application from several local residents with a key material concern being the likely impact such a proposal would have on general

highway safety issues within the locality. Some reservations do exist in this regard, nevertheless, due regard must be given to the historic use of the site that would have generated significant levels of visitors and parking requirement (and would again do so should the building re-open for A3 planning purposes). The proposal does cater for the provision of off-street spaces and the broader merits of the scheme, which would bring about the re-use of a prominent yet poorly maintained building whilst retaining the key front facade, are considered to outweigh any negative impact of the scheme.

Having taken account of all of the issues outlined above, the application proposal is considered to comply with the policy framework of both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales, and therefore recommended for approval.

RECOMMENDATION: Grant

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

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

2. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out and constructed in accordance with submitted plan PL-02 Rev B and retained as such thereafter.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development.

4. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of the footway and carriageway 25m either side along Ynyswen Road affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey on completion of the development hereby

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

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety.

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

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

6. Notwithstanding the submitted plans, before the development is brought into use two rumble strips one on the access and one on the egress point, shall be constructed in accordance with details to be first 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development.

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

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

8. Prior to the commencement of development, full details and design calculations of the proposed rear retaining wall structure shall be submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall be carried out in accordance with the approved details.

To ensure the stability of the development in the interests of public health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

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APPLICATION NO:	13/0458/10	(GW)
APPLICANT:	Superlet	
DEVELOPMENT:	Construction of a two storey building to form two self contained flats.	
LOCATION:	LAND ADJACENT TO 13 OLD PARK TERRACE, TREFOREST, PONTYPRIDD, CF37 1	
DATE REGISTERED:	28/05/2013	
ELECTORAL DIVISION:	Treforest	

RECOMMENDATION: Approve

REASONS:

The development is a similar size and design of building to that previously approved on the site and is located within the settlement boundary. This proposal for two flats would not result in a significantly different impact on residential amenity or on highway safety than that previously approved.

APPLICATION DETAILS

Full planning permission is sought for the construction of a two-storey building for two self-contained flats. Previously planning permission (07/1233) was granted for a 4-bedroom dwelling on the site. The new proposal is for a similar size and design of building with two flats and which is to be served by a similar access and parking arrangement to the previous permission.

The building would have a ridge and eaves height of 6.4m and 4.8m respectively. The building is to be constructed below existing ground levels, with an eaves and ridge height above the road level of Old/New Park Terrace of 5.0m and 3.4m respectively. The dwelling measures 5.6m in width and 11.2m in length. The

proposed external materials are white render with slate roofing. Access for both flats is to be provided from the side elevation facing Belle Vue Terrace.

Vehicular means of access to the site is to be provided from Old/New Park Terrace and three car parking spaces are illustrated on the proposed site layout. These parking spaces are to be provided at existing ground levels.

The application also involves the erection of a 1.2m high stone wall along the side property boundary adjacent to Belle Vue Terrace.

The application is accompanied by the following:

- Design and Access Statement.
- Sustainable Buildings Report.

SITE APPRAISAL

The site is situated adjacent to the junction between Old Park Terrace, New Park Terrace, Duke Street and Belle Vue Terrace, within the settlement boundary of Treforest. The site adjoins the southern boundary for the Treforest Conservation Area. The site adjoins Old/New Park Terrace to the east and Belle Vue Terrace to the south. Old/New Park Terrace is a one way street with traffic travelling in a southerly direction.

The site has a road frontage along Old/New Park Terrace of 9.0m and 30.0m along Belle Vue Terrace. The site is at the same ground level as Old/New Park Terrace, and above surrounding land to the north, south and east. A retaining wall has been constructed along the eastern and southern property boundaries.

The site is hard surfaced with a variety of ground vegetation and iron railings and gates have been erected along the eastern and southern property boundary. The site is surrounded by two-storey residential dwellings in all directions, with the exception of a car park on lower land to the east. Adjacent dwellings to the north, north-west and south have been constructed approximately 2.0m below the ground level of Old/New Park Terrace.

PLANNING HISTORY

07/1233	Land adjacent to 13 Old Park Terrace. Treforest	Proposed new dwelling	Granted 28/01/08
07/0091	Land adjacent to 13 Old Park Terrace. Treforest	Proposed dwelling	Refused 10/04/07
05/0160	Land adjacent to 13 Old Park Terrace. Treforest	Proposed new dwelling (Outline).	Granted 10/06/05

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One objection letter from a resident of Belle View Terrace has been received and the contents are summarised below:

- The new build will be directly opposite my lounge and would result in a loss of light.
- If any window would overlook my lounge it would result in a loss privacy.
- As it is two flats there would be a lot of coming and going by cars. Duke Street and Park terrace is a dangerous junction.

CONSULTATION

Dwr Cymru/Welsh Water – no objection subject to conditions. The site is crossed by a public sewer.

Land Reclamation and Engineering – no objection subject to drainage conditions including a Hydrological Impact Assessment.

Public Health and Protection – previous comments in application 07/1233 detail no objection subject to conditions on the demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions requiring the setting back of site boundary abutting Old Park Terrace and New Park Terrace to provide a visibility splay of 2.4m, parking areas to be constructed of permanent materials, the vehicular crossovers details, surface water run off not discharging on to the public highway, details and design calculations of retaining walls and provision of traffic management and wheel washing facilities.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and adjacent to Old Park Terrace Conservation Area.

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

Policy AW1 – supports new housing inside the settlement boundaries and allocated sites.

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 AW7 - covers the protection and enhancement of the built environment.

Policy AW8 - sets out 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 as a result of flooding.

Supplementary Planning Guidance: Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 8 (Transport) and Chapter 9 (Housing) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main issues:

Principle of the proposed development

The site is located within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan and planning permission (07/1233) has previously been granted for a dwelling on the site. This application expired on the 28th January 2013

however, notwithstanding the expiry of the previous permission, in principle the residential development of the site would be considered acceptable.

Residential Impact

In terms of the impact on residential amenity, the proposed building is the same size and design (in the main) as the previous permission. A letter of objection has been submitted from the immediate neighbour from Belle Vue terrace. This highlights they consider the proposal would result in a loss of light and potential overlooking to their lounge window which is on the side elevation. As this window faces north and the impact from this proposal would not be significantly different to that previously granted permission (07/1233) it is not considered that their loss of sunlight would be significant enough to warrant a refusal. With regard to the overlooking issue, the two main windows proposed on the side elevation serve a landing is a secondary window for the living room of the first floor flat. The plans indicate these would be obscurely glazed up to 1.8m above finished floor levels to protect the privacy of adjacent dwellings. Therefore, it is considered there would not be any significant impact from overlooking.

On a final matter the objector points to the proposal for two flats having a greater impact than the previous proposal for a single dwelling with regard to the comings and goings of occupiers particularly by vehicles. The vehicle access and parking area proposed is located in the same position as previously permitted and it is not considered that the use of the building as two flats would result in potentially significantly greater traffic movements to warrant a refusal reason on this issue. In addition the building would have one main pedestrian access for the two flats (opposite the adjacent dwelling on the opposite side of the side lane). This is in the same location as that previously permitted. Again, it is not considered the activity generated by neighbours the occupiers of the flats would result in a significant impact on neighbouring resident's amenity.

Visual Impact

With regard to the impact on the character and appearance of the area, the site is adjacent to Old Park Terrace Conservation Area to the north. The proposal is the same size and design to that already approved (07/1233). This previously approved design resulted from some negotiation to improve the proposal that was originally submitted. Furthermore the previous permission included a number of conditions requiring more details of for example the window openings, as the site is adjacent a conservation area. It is therefore considered the proposed building would be acceptable and similar conditions to that previously applied should be place on any permission granted.

Highway Safety

The proposed access and parking is identical to that previously approved (07/1233). No objection has been raised by the Transportation Section subject to similar conditions as previously applied. Therefore in these terms the application would be acceptable.

Other Issues

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

Drainage

Welsh Water / Dwr Cymru have indicated the site is crossed by a public sewer. As this issue is covered by other legislation, an appropriate informative should be included if permission were to be granted.

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues. The previous permission (07/1233) included a site investigations condition as concerns were raised. It is considered a similarly worded condition should be attached if permission were to be granted for the new proposal.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, highway safety, the amenities of nearby residential properties and visual impact, (policies AW2, AW5, AW6 and AW7).

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. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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.

3. Prior to the occupation of the dwellings, hereby approved, the windows in the north and south elevation shall be glazed with obscure glass up to 1.8m above finished floor levels. Details of obscure glazing to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Building operations shall not be commenced until a sample of the slate to be used on the roof has been submitted to and approved in writing by the Local Planning Authority and the slate used shall conform to the sample 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 order to preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

5. Before work starts, the design and details of the window openings and joinery to be used on the front elevation shall be submitted to and approved in writing by the Local Planning Authority. Drawings shall be submitted to a minimum scale of 1:20. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in order to preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the precise ground levels between the Old Park Terrace/New Park Terrace road frontage, car parking area, pedestrian access to the dwelling and the dwelling have been submitted to and approved in writing by the Local Planning Authority. Drawings shall be submitted to a minimum scale of 1:50. The works shall be carried in accordance with the approved plans.

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 order to preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policies AW5

and AW7 of the Rhondda Cynon Taf Local Development Plan.

7. The building hereby approved (with the exception of the chimney stack) shall not exceed 5.1m above the existing ground levels of Old Park Terrace/New Park Terrace.

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

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

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

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of any existing trees to be retained; the position, design, materials and type of any boundary treatment to be erected; and the surfacing materials for any hard surface area. Development shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. 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 preserve and enhance the visual amenities of the locality and adjacent Conservation Area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The site boundary abutting Old Park Terrace/New Park Terrace shall be setback to provide a visibility splay of 2.4m by site frontage for the junction

of Belle Vue Terrace with Old Park Terrace/New Park Terrace. No obstruction or planting when mature, exceeding 0.9m in height shall be placed within the required vision splay area.

Reason: To give adequate visibility in the interests of road safety to vehicles emerging on to the highway in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure 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.

13. Development shall not begin until details providing for the creation of a vehicular crossover have been submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The crossover shall be constructed in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system unless otherwise agreed in writing by the Local Planning Authority in accordance with policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No works shall commence on site, until details and design calculations, of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

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

16. No development shall take place until drainage arrangements including a Hydrological Impact Assessment have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not 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 policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Monday to Friday 0800 to 1800 hours

Saturday 0800 to 1300 hours

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

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

18. The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

19. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwellings hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

20. Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for

Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

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APPLICATION NO:	13/0466/15 (DB)
APPLICANT:	Tower Regeneration Ltd
DEVELOPMENT:	Variation of conditions 19, 20, 21, & 22 of planning approval 10/0292 to extend working hours on Saturday to 1600 Hours.
LOCATION:	TOWER SURFACE MINE, RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9UF
DATE REGISTERED:	24/05/2013
ELECTORAL DIVISION:	Hirwaun

RECOMMENDATION: Approve

REASONS:

The proposed variation of Conditions 19, 20, 21 and 22 of Planning Permission 10/0292 to extend working hours on a Saturday afternoon has been considered and it is considered that it does not have such an effect that would warrant a refusal and it would assist in the efficiency of the surface coal mine. It is in compliance with the relevant policies of the Local Development Plan in respect of its impact on residential amenity.

APPLICATION DETAILS

This application is made under Section 73 of the Town and Country Planning Act 1990 to seek to vary certain conditions that were attached to the full planning permission 10/0292, which was granted on 16 December 2011.

On a scheme of this size and complexity it is not unusual for developers to seek variations to the scheme as originally approved and an application under Section 73 allows them to do so. Members should recognise, however, that an approval under Section 73 results in a new full planning permission for the whole scheme. As a consequence, as well as the variations sought, the Council will need to re-impose those existing conditions that are still considered relevant, as well as any additional conditions that are deemed appropriate.

This application seeks to give consent for the following changes to the scheme:-

Consent is sought for the variation of Conditions 19, 20, 21 and 22 of Planning Permission Ref 10/0292 in order to extend the working hours on the site to 16:00 hours on Saturdays.

The application is accompanied by the following information/documents:-

- A supporting letter
- A site plan
- An Environmental Noise Impact Assessment: Assessment of Saturday Noise Levels
- A Technical Note dated October Noise Assessment by Amec Environment & Infrastructure UK limited, (the Amec Noise Report).

The application provides the following supporting information:-

The purpose of the extended hours is to allow flexibility to work the additional hours if necessary, in the event of inclement weather being experienced during the remainder of the week.

Over the last 12 months of operations, environmental factors have limited site operations to approximately 60% of the planned hours, whereas the site has been planned on approximately 80% availability of plant and machinery. The extension of the working hours would allow compensation of any production stoppages during the remainder of the week.

In summary the Amec Report has summarised the potential noise effects of this change to working hours and has outlined the additional mitigation measures that may be necessary to meet the proposed Saturday afternoon criteria.

SITE APPRAISAL

The application site relates to the Tower Coal Surface Mine which commenced operations in March 2012.

The site covers an area of 253 hectares and is located to the south, south west and west of Hirwaun. Most of the site lies to the south of the A4061 Rhigos Road but there is a smaller part of the site is located to the north of the A4061 Rhigos Road which incorporates the existing 1.5km enclosed conveyor system, covered coal loading facilities and the existing railhead adjacent to the operational mineral rail freight line. This area also includes a number of water bodies known as Hirwaun Ponds.

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

Major services/apparatus belonging to statutory undertakers are located within the site. A high pressure natural gas main runs along the western boundary of the site, overhead electricity lines run close to the southern boundary and electricity pylons cross through the northern part of the site. The diversion of the southerly electricity line is proposed to be relocated during the course of the proposed operations and is subject to planning application 13/0523.

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

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

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

MOST RELEVANT PLANNING HISTORY

10/0292	Tower Colliery, Rhigos Road, Hirwaun, Aberdare	Land remediation and reclamation of old tips, derelict land and buildings; surface coal extraction and associated ancillary development including improvements to the access onto the A4061; recontouring and landscaping of the site to enable future re-development; restoration and after care for agricultural purposes, nature conservation with public access and provision of a visitor/education centre. Environmental Statement Addendum received 17/01/11, additional information received 05/05/11 regarding ecology and	Granted 16/12/11
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landscape and visual assessment, details of restoration, soils handling, drainage matters and revised planning drawings to reflect amendments and additional information received 24/08/11 incorporating a Restoration Strategy Plan which was amended on 27/10/11, 05/12/11, 12/12/11 and 14/12/11.

PUBLICITY

The application has been advertised by site notices and neighbourhood notification. No letters have been received as a result of this publicity.

CONSULTATIONS

Hirwaun and Penderyn Community Council – raises an objection due to the close proximity of the workings to the recreational facilities which would be used on a Saturday afternoon.

Public Health & Protection Division - initially advised that a suitable noise impact assessment should be provided to accompany the application. Having considered the Amec Noise Report, revised comments have been received which raises no objections to the proposed development subject to the imposition of conditions to secure the revised noise limits, the mitigation measures proposed and the notification to local residents as set out in the noise assessment. Additional conditions are also recommended in order to allow working on Saturdays up to 28 days per year in view of the fact that complaints have been received from residents in respect of working on a Saturday afternoon, and to secure 24 hour notification of proposed Saturday afternoon working also to the Local Planning Authority.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

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

National Guidance

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

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

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

Minerals Planning Policy

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

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

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

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

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

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

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

Other relevant policy guidance consulted

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The main consideration in the determination of the application is the impact on the amenities of neighbouring properties and the local environment.

The Technical Note dated October undertaken by Amec (The Amec Noise Report) has been submitted on the applicant's behalf to provide a suitable noise impact assessment, as requested by the Public Health and Protection Division.

The Amec Noise Report sets out that, as part of the original planning application, noise monitoring was undertaken at agreed locations, prior to site operations commencing, and which included a weekend period. The purpose of the monitoring was to establish the baseline background and ambient noise levels during the operational hours of the proposed development.

The noise criteria used to evaluate the significance of the predicted noise effects are derived from methodologies set out in MTAN2. Within MTAN2 separate criteria are presented for weekday, i.e. that noise levels should not exceed background levels by more than 10dB (A), up to a maximum level of 55 dB (A) (the 55 noise level) and Saturday morning periods when the noise limits may be reduced. Outside of these times, MTAN2 appears to indicate that the noise criteria of 42 dB L Aeq, 1h (the 42

noise level) should be applied. However as the background noise data indicates that the ambient noise levels for all locations were above the 42 noise level, on Saturday afternoon, it would appear overly restrictive to apply that level. Therefore, the Amec Noise Report has based the proposed noise criteria on the average noise measured in order to arrive at proposed noise levels at each of the seven monitoring locations. This is the same basis that all other noise criteria were derived for the original application.

The Amec Noise Report has identified that for the vast majority of the monitoring locations, i.e. 6 out of 7 the predicted noise levels would comply with the proposed Saturday Afternoon noise limits. The exception would occur at Monitoring Location No. 4 (Redhill Close), where the noise level would exceed the new limit by 2 dB (A) in Year 7/8 only due to the removal of the final stages of the overburden mound near ground level and at its closest point to this receptor. However if the number of shovel and truck teams is reduced to 2 instead of 3, within 600 metres of this receptor, then the proposed Saturday afternoon criteria of the 52 noise level could be achieved.

The Amec Noise Report has also considered the outcome of the noise monitoring which has been undertaken by Tower Regeneration Limited between April and July 2013, at the agreed monitoring locations. As this includes the monitoring of Saturday afternoon, when the site has been working, the report states that data has shown that the proposed Saturday afternoon noise level has not been exceeded thus far.

The Amec Noise Report concludes that the assessment (including the additional mitigation measures) and the monitoring undertaken so far, indicate that Saturday afternoon working of the site operations would be able to meet the proposed Saturday afternoon noise levels. The Amec Noise Report also recommends that it would be prudent for Tower Regeneration Limited to advertise locally, in advance, the occasions that they are likely to work on Saturday afternoons.

The Public Health and Protection Division has considered the Amec Noise Report and has advised that the report has shown that the site is capable of complying with the proposed noise levels and that it would be unreasonable to use the MTAN2 noise levels as even without the site operating, these levels would be breached. No objections are therefore raised to the proposed Saturday afternoon working subject to the proposed mitigation measures set out above. However, as there have been a number of complaints regarding the working on Saturday afternoon on site, both from local residents and Members of the Site Liaison Committee, the PH & P Division have recommended that the Saturday afternoon working should only occur at a maximum number of 26 times in any one year. However, it is recommended that this restriction could be removed should no justifiable complaints be received. Notwithstanding the Amec Noise Report therefore, it is considered that it would be a reasonable compromise to allow Saturday afternoon working on this basis.

Hirwaun and Penderyn Community Council has raised an objection due to the close proximity of the recreational facilities at Hirwaun. Para 43 of MPG 11 advises that the public use of recreational facilities could be considered noise sensitive if they are extensively used during the site operations. However, nominal noise limit from the perimeter would not be expected to be as low as at dwellings, and a 65 noise limit during the normal working day and a 55 noise limit at other times, would be reasonable. As the proposed noise levels would not exceed even the 55 noise limit, it is considered that the proposal would not have a significant impact on local recreational facilities.

OTHER ISSUES

There are no other material considerations to take into account in the consideration of the application.

Conclusion

In conclusion, it is considered that the proposed extended working hours on a Saturday pm would comply with the relevant policies of the local development plan in respect of its impact on residential amenity (Policy AW10). It is considered that the scheme would not be so demonstrably harmful to interests of acknowledged importance that this would justify rejecting the proposed variation to the approved scheme, in the public interest.

PLANNING AGREEMENT

As the Council will be issuing a new full planning permission should Members be minded to resolve to grant permission, a new legal agreement will need to be entered into between the Council and the landowners/applicant to ensure that those matters contained in the original Agreement signed on the 16th December 2011 are provided/complied with. It is understood that the applicant will be preparing a Unilateral Undertaking (UU) to take forward the obligations enshrined in the existing Section 106 Agreement, under this permission.

Recommendations

That Committee resolve to APPROVE the application, subject to:

- i) The recommended conditions as set out in this report.
- ii) The landowner/applicant entering into an agreement or Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure compliance with those matters agreed under the Section 106 Agreement entered into in respect of application 10/0292 signed on the 16th December 2011.

RECOMMENDATION: Grant

1. Coal extraction shall cease within 7 years from the date of the

commencement of the excavation works for Boxcut 1 as shown on plan TRL/PLA/007v6.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to allow a timescale for the completion of coaling at the site, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

2. Unless otherwise approved in writing by the Local Planning Authority, final restoration of the site shall be completed within 8 years from the commencement of excavation works for Boxcut 1 as shown on plan TRL/PLA/007v6 and in full accordance with the Site Restoration Strategy approved in accordance with Condition 60 and other conditions approved under this consent, or as may be subsequently amended by any condition or approval under this consent.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

3. Coal washing activities shall cease and all coal stocks shall be removed from the site within 6 months of the cessation of coaling.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

4. Unless otherwise approved in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the local planning authority.

Planning Application dated 15th July 2010.

Environmental Statement - July 2010, ES Addendum - January 2011 and additional environmental information May 2011.

- TRL/PLA/001 Site Context Plan
- TRL/PLA/002 Planning Application Boundary
- TRL/PLA/003 Planning Application and Land Ownership Boundaries
- TRL/PLA/004 (v6) Planning Application Site Existing Uses and Buildings
- TRL/PLA/005 Site Infrastructure
- TRL/PLA/005A Main Site Entrance & Site Offices & Workshops

- TRL/PLA/005B Coal Preparation Area from Year 3
- TRL/PLA/006 (v6) Site Establishment Works (Pre-Mining 0-6 Months)
- TRL/PLA/007 (v6) Mining Operations Year 1 (Initial Box Cut 1)
- TRL/PLA/008 (v7) Mining Operations End of Year 1
- TRL/PLA/009 (v7) Mining Operations End of Year 2
- TRL/PLA/010 (v7) Mining Operations End of Year 3
- TRL/PLA/011 (v7) Mining Operations End of Year 4
- TRL/PLA/012 (v7) Mining Operations End of Year 5
- TRL/PLA/013 (v7) Mining Operations End of Year 6
- TRL/PLA/014 (v7) Mining Operations End of Year 7
- TRL/PLA/014A (v7) Mining Operations Year 7.5
- TRL/PLA/015A Proposed Landform
- TRL/PLA/015D (v3) Land Designation Current & Proposed
- TRL/PLA/015E Retained features to be fenced
- TRL/PLA/015E (v2) Re-instatement of land S. Eastern corner
- TRL/PLA/015F (v2) NSA8 Areas excluded from development
- TRL/PLA/016 Operational Water Drainage Scheme
- TRL/PLA/017 Plan & Cross Sections of Water Treatment Area
- TRL/PLA/018 Access and Movement
- TRL/PLA/018A Site Access and Parking Inset
- TRL/PLA/019 Typical Mine Cross Section
- TRL/PLA/020 (v 3) Profile/Cross Section A - B
- TRL/PLA/021 (v3) Profile/Cross Section C - D
- TRL/PLA/022 (v3) Profile/Cross Section E - F
- TRL/PLA/023 (v3) Profile/Cross Section G - H
- TRL/PLA/024 (v3) Profile/Cross Section I - J
- TRL/PLA/025 (v3) Profile/Cross Section K - L
- TRL/PLA/026 Generalised Stratigraphic Section
- TRL/PLA/027 (v3) Profile/Cross Section M – N
- TRL/PLA/028 (v3) Profile/Cross Section O – P
- TRL/PLA/029 (v3) Profile/Cross Section Q - R
- TRL/PLA/030 Wet Flush Habitat
- Salix Drawing Detail S1: Bedrock Channel
- Salix Drawing Detail S3: Intercept Channels and Nant-Y-Bwlch Diversion
- Salix Drawing Detail S3a: Intercept Channels and Nant-Y-Bwlch Diversion
- Salix Drawing Detail S3b: Intercept Channels and Nant-Y-Bwlch Diversion
- Salix Drawing Detail S4: Ditches
- Salix Drawing Detail S4a: Ditches
- TRL Figure 2 - Typical sections of perimeter drainage ditch and Velocity Breaks
- Drawing submitted on 24 May 2011 showing where naturalised channels can

be achieved in the restoration phase.

- Soil removal, storage and restoration plans dated received on 27 October 2011 and 5th December 2011.
- Restoration Strategy Plan - Parts 1, 2, 3, 4 and 5.
- ERM Drawing Figure 4 - Ecological Restoration Plan
- ERM Drawing Figure 5 - Indicative Vision of Final Restoration.

Reason: To avoid ambiguity as to the development hereby permitted.

5. Prior to the commencement of working within Phase 2 details of the proposed new coal wash facility to be utilised at the site during subsequent phases shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

6. Unless otherwise approved in writing by the Local Planning Authority, the progressive restoration of the site shall be undertaken in accordance with the phasing as identified on approved plans. If progressive restoration has not been carried out within the timescales as identified on the drawings, coal extraction shall cease until restoration has been completed in accordance with the plans. The timescales indicated on the plans shall be deemed to be the end of each year 6 months from the date of the commencement of the development.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to ensure progressive restoration is undertaken within the approved timescales, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

7. Unless specifically required for the purposes of aftercare or otherwise approved in writing by the Local Planning Authority, all plant, machinery, hardstanding ancillary workshops, buildings or other works associated with the development (or any phase thereof) shall be removed off site within 3 months of completion of the restoration of the site. The affected areas shall be reclaimed in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be submitted for approval no less than 6 months prior to the cessation of coal extraction indicating the resources that are to be conserved for its restoration and the final contours and land use for that area.

Reason: To protect the character and appearance of the site and the

environment of the surrounding area, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

8. In the event of coaling ceasing, the Local Planning Authority shall be notified of the date of cessation in writing within one month of the date of cessation. In the event of coaling ceasing for a period of 6 months, or as otherwise approved in writing by the Local Planning Authority, a revised scheme for the restoration of the site shall be submitted to the Local Planning Authority within 6 months of the cessation of coaling for written approval. The revised scheme shall be implemented within 6 months of its approval, or as may be otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

9. No coal stocking shall take place on the site except in the area identified on Drawing No. TRL/PLA/006(U4) and all coal stocks on that area shall not exceed 6 metres in height above ground level at any time.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

10. At no time shall any coal extraction be undertaken on the site except within that area defined as the limit of extraction area on Drawing No. TRL/PLA/018.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

11. The stock proof fencing located along the entire perimeter of the site shall be retained until the completion of restoration operations and where necessary the after care period, in accordance with the location and details shown on Drawing No's TRL/PLA 051A and TRL/PLA 052A, or as otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the

Rhondda Cynon Taf Local Development Plan.

12. During the development hereby permitted, until personnel are no longer based at the site, a copy of this permission, including all documents hereby approved or cited in the conditions of this consent, and any other document subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site offices during site operating hours.

Reason: To ensure the monitoring of site operations can be monitored at any time, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

13. All areas of Nature Conservation Habitat, Water Features and Woodland within the approved site that are to be conserved and protected shall be fenced off with working signs in accordance with the details of fencing and signage as identified on Drawing No's TRL/PLA/015E Rev 3, TRL/PLA 052A, and the signage approved previously on 21.03.2012. The fencing and signage works shall be maintained for the duration of site operations, or otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate segregation and protection of areas of Nature Conservation Habitat, Water Features and Woodland, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

14. The works for the phased removal of any vegetation and woodland areas shall be carried out in accordance with the scheme submitted to and approved by the Local Planning Authority on 21.03.12. or otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in the interest of amenity, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

15. Unless otherwise approved in writing by the Local Planning Authority, the external walls and roofs of buildings and the external surfaces of structures shall be dark green in colour. The colour shall thereafter be maintained until the buildings and structures are removed from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

16. From the date of the commencement of coaling the site operator shall maintain records of monthly output and shall make them available to the

Local Planning Authority at any reasonable time upon request. These records shall be kept for the duration of coaling operations at the site.

Reason: In order that the Local Planning Authority can monitor output at the site, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

17. i) Except in an emergency which shall be notified to the Local Planning Authority as soon as practicable, no development, which includes the starting up of plant and machinery, or other activities associated with the development (other than water pumping, environmental monitoring and maintenance) authorised or required by this permission shall be carried out on the site except between the following times:

06.00 to 22.00 Hours Mondays to Fridays.

08.00 to 12.00 Hours Saturdays.

08.00 to 16.00 Hours Saturdays (subject to the limits set out in Condition 26 below)

ii) In addition, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times:

10.00 to 16.00 hours Mondays to Fridays.

iii) There shall be no development or other activities other than those in relation to water pumping, environmental monitoring, maintenance and the testing of plant undertaken on Sundays, Bank or Public Holidays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5 and AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

18. Operational noise from the site shall not exceed the specified sound pressure levels, measured as an dBLAeq 1 hour (free field) under the measurement criteria of MTAN2, at the specified noise sensitive properties listed below, such levels not to be exceeded between 07.00 and 19.00 Hours Monday to Fridays and between 08.00 and 12.00 hours and 12:00 and 16:00 Hours on Saturdays.

	Weekday	Saturday(am)	Saturday(pm)
A. South of Johnston Park (Mountain View) adj to the A465	55.0	55.0	55.0
B. Originally Waungron	55.0	55.0	53.0

(now Steam Coal Lane)

C	Tower Road North of A465	55.0	55.0	55.0
D	Redhill Close	55.0	54.0	52.0
E	Mount Pleasant on on A4059	53.5	53.5	51.0
F	Rhigos Road adj site entrance	55.0	55.0	55.0
G	10 Heol y Bryn, Rhigos	50.0	48.0	46.0

(All these figures relate to dBLAeq 1 hour free field)

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 55dBLAeq 1 hr free fields, or background noise level +10dBLAeq under the measurement criteria of MTAN2 between 07.00 and 19.00 hours Monday to Fridays and between 08.00 and 16.00 on Saturdays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

19. Operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq 1 hour (free field) under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 06.00 and 07.00 and 19.00 and 22.00 hours Mondays to Fridays.

- A. South of Johnston Park (Mountain View) adj to the A465 - 42dBLAeq 1 hour free field.
- B. Waungron (now agreed as Steam Coal Lane) - 42dBLAeq 1 hour free field.
- C. Tower Road North of A465 - 42dBLAeq 1 hour free field.
- D. Redhill Close - 42dBLAeq 1 hour free field.

- E Mount Pleasant on - 42dBLAeq 1 hour free field.
on A4059
- F Rhigos Road adj site entrance - 42dBLAeq 1 hour free field.
- G 10 Heol y Bryn, Rhigos - 42dBLAeq 1 hour free field.

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 42dB LAeq 1hr (free field) under the measurement criteria of MTAN2 between 06.00 and 07.00, 19.00 and 22.00 hours Monday to Fridays..

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

- 20. At all other times, outside those identified in Conditions (18) and (19), the sound pressure level for operational noise from the site, measured at any noise sensitive property, shall not exceed 42dB LAeq 5mins (free field) under the measurement criteria of MTAN2.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

- 21. Notwithstanding the noise level limits set out in Conditions (18), (19) and (20), the sound pressure level for operations for the stripping of topsoils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hr (free field) for up to 8 weeks in any calendar year.

Reason: To protect the living conditions of nearby residents in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

- 22. The development of the site shall be carried out in accordance with the Noise Management Plan previously submitted to and approved by the Local Planning Authority on 21.03.12. Within one month of the date of this permission, the Noise Management Plan shall be amended to include the proposed noise minimisation measures between 12.00 to 16.00 Hours on Saturdays for the Year 7 onwards, which shall be submitted to and approved in writing by the Local Planning Authority. All site operations shall be undertaken and monitored in accordance with the approved details.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local

Development Plan.

23. All pumps used in connection with the development shall be powered by electricity or otherwise acoustically insulated.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

24. All vehicles, plant and machinery operated within the site shall, at all times, be fitted with and use silencers and acoustic covers in accordance with the manufacturers' recommendations. Save for the purposes of maintenance, no machinery shall be operated with the acoustic covers open or removed.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

25. Mobile plant and vehicles shall be fitted with ambient related, broadband or low-tone reversing warning devices.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

26. Notwithstanding the permitted hours set out in Condition 17 above, the working on the site between 12.00 to 16.00 Hours on Saturdays shall only take place for up to 26 Saturdays in the calendar year following this permission. After this period has expired the working on the site between 12.00 to 16.00 Hours on Saturdays shall be extended permanently only with the prior written approval of the Local Planning Authority.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

27. All topsoil and subsoils shall be stripped, conserved and re-spread in accordance with the proposals described in the Environmental Statement and in the report entitled Soil Handling Strategy as amended by the Soil Balance Notes - Modified to Retain Agricultural soils received 16.5.2011. Topsoil, subsoil and soil forming material storage bunds shall be placed in the approved locations and constructed in the approved method and size and shape. The locations of all soil storage mounds, including the description of materials and volumes shall be submitted to the Local Planning Authority within 1 month of their construction.

Any amendments to the approved specifications shall be agreed in writing by the Local Planning Authority before being implemented.

Reason: To ensure adequate management, conservation and utilisation of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

28. All areas of excavation, overburden, proposed storage mounds, haulage and temporary access roads, hardstandings, water treatment and lagoon sites, drainage channels and any other areas likely to be disturbed by any subsequent operations shall be stripped of topsoil, subsoil and any soil forming material which shall be stored in separate mounds or used in the progressive restoration of the site. The soil mounds shall be stored without overlapping and shall be sited, constructed and managed to prevent damage, loss and or contamination by any other material, liquid or compound.

Reason: To ensure adequate management, conservation and utilisation of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

29. All natural topsoil found within any soil mound previously identified as subsoil or soil-forming material shall be separated from the mound and treated separately in the restoration. Where such material is contaminated by Japanese knotweed, this shall be controlled by a course of treatment, the details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to the placement of the contaminated material.

Reason: To ensure adequate management, conservation and utilization of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

30. All soil stripping operations shall be by truck and shovel. The only equipment permitted on areas of unstripped soils shall be 360 degree tracked vehicles involved in the soil loading operations. Vehicles to be used in transporting and discharge of recovered soils shall only be those that discharge their load at the rear extremity of the vehicles. Any alternative methods shall be approved in writing by the Local Planning Authority prior to commencement of any such method.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5, AW6, AW8 and CS10

of the Rhondda Cynon Taf Local Development Plan.

31. No turf, topsoil, subsoil and or soil forming material shall be removed or sold from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

32. All storage mounds of topsoil, subsoil and soil-forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins within the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

33. Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

34. All external lighting on the site shall be carried out in accordance with the External Lighting Plan and accompanying Drawing No. TRL/PLA/056 which was previously submitted to and approved in writing by the Local Planning Authority on 27.02.12, unless otherwise approved in writing by the Local Planning Authority.

The operations shall be undertaken in accordance with the approved details.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

35. Except in the case of an emergency, blasting within the site shall only take place between 10.00 to 16.00 hours Monday to Fridays. If blasting takes place outside these hours, in the case of an emergency, full written details of the circumstances and the time of blasting shall be submitted to the Local Planning Authority within three days after the occurrence. No blasting shall take place on Sundays, Bank or National holidays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

36. Unless otherwise approved in writing by the Local Planning Authority, blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 6mm/s at any residential or similarly vibration sensitive property. However, within this design limit ground vibration for at least 95% of all blasts in any 20 week period shall not exceed a peak particle velocity of 4mm/s.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

37. Blasting shall only take place within the proposed coal extraction areas hereby permitted.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

38. All practicable steps shall be undertaken by careful design of blasting operation to limits air overpressure and in normal circumstances shall not exceed 120dB linear in 95% of the blasts measured in any twelve month period and no individual blast shall exceed 125dB, measured at the nearest noise sensitive property.

Reason: In the interest of the amenity of the area, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

39. All blasting operations and activities shall be carried out in accordance with the Blasting Vibration Management Plan submitted with the application and all monitoring shall be undertaken in accordance with the terms of the document for the duration of coaling operations at the site.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local

Development Plan.

40. The control, suppression and monitoring of fugitive dust and PM10 particulates shall be undertaken in accordance with the Strategic Environmental Management Plan which has previously been submitted to and approved in writing by the Local Planning Authority on 21.03.12, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

41. Drainage ditches, settling ponds and lagoons shall be de-silted and maintained in such condition that they are able to perform effectively for the purpose for which they have been provided.

Reason: To protect the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

42. The development hereby permitted shall be undertaken in accordance with the Scheme for the Monitoring of Surface and Groundwater levels, prepared by FWS Consultants Ltd, Ref 1359/August 2011, which has previously been submitted to and approved in writing by the Local Planning Authority on 21.03.12, unless otherwise approved in writing with the Local Planning Authority.

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

43. In the event that the ground water monitoring required under Condition 42 above, demonstrates that minewater is to be intercepted and continuous pumping is required, all coal extraction shall cease until a Hydrogeological Impact Appraisal (HIA) has been submitted to and approved in writing by the Local Planning Authority to assess the impact of such dewatering on water resources. The HIA will be carried out in accordance with the EAW guidance "Hydrogeological Impact Appraisal for dewatering abstraction, 2007 (Science report SC040020/SR1)". Coal extraction shall only be resumed with the written approval of the Local Planning Authority.

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development

Plan.

44. Within one month of the date of this permission, the original Hydrological Study (1997) shall be reviewed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The review shall include inter alia, the proposed operation area and its hydrological and hydrogeological context, the flood risk management criteria including use of sustainable drainage principles, and the necessary amendments to existing attenuation features.

The development shall be carried out in accordance with the approved flood risk management proposals, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse flood risk, to ensure compliance with Section 8.3 of TAN 15, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

45. Within one month of the date of this permission a surface water management scheme, to cover each phase of the site working, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following measures:-

- Details of all surface water disposal.
- Details to treat and remove suspended solids from surface water run-off during construction and operational works.
- Oil and petrol interceptor installation and maintenance details.
- Maintenance programme for all water treatment areas and systems.

The works shall be implemented in accordance with the approved details, unless otherwise approved in writing with the Local Planning Authority.

Reason: To prevent pollution of the water environment and ensure the satisfactory storage/disposal of surface water from site, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

46. Within one month of the date of this permission, a pollution prevention scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following matters: -

- disposal of foul drainage;

- Installation of oil and petrol separators;
- roof drainage - sealed at ground level;
- storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances,
- measures for dealing with any contaminated material (demolition waste or excavated waste);
- details of emergency contacts;
- construction compounds, car parks, offices; and
- maintenance of site access/coal haulage roads to ensure no polluting discharge.

The works shall be carried out in accordance with the approved details, unless otherwise approved in writing with the Local Planning Authority,

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

47. Within one month of the date of this permission, a scheme for watercourse channel works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include inter alia the following matters:-

- design of the works, in accordance with the principles set out in the report Tower Colliery Diverted Channels: Options for Naturalising a Brief Design Summary Statement and the approved plans;
- timing of works;
- methods used for all channel, bankside water margin works;
- machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.);
- protection of areas of ecological sensitivity and importance;
- site supervision;
- details of diversions, restoration and maintenance of all watercourses and drainage channels; and
- a working method statement to cover all channel works during construction, operational and restoration phases.

The watercourse channel works shall be carried out in accordance with the approved details unless any amendments have previously been agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

48. Unless otherwise approved in writing by the Local Planning Authority, any ditch, watercourse or culverts passing through the site shall be protected, supported or diverted so as to not impair the flow or to render less effective drainage onto and from adjoining land.

Reason: To protect the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

49. The development hereby permitted shall be carried out in accordance with the Written Scheme of Investigation written by the Glamorgan Gwent Archaeological Trust Projects dated August 2011, previously submitted to and approved by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the historic environment, in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

50. The development hereby permitted shall be carried out in accordance with the Traffic Operational Management Plan and wheel washing scheme which has previously been submitted to and approved in writing by the Local Planning Authority on 27.02.12., unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

51. No heavy goods vehicles carrying coal or any other mineral from the site shall utilise any route or access point other than the existing access road indicated in the application documents that emerges onto the A4061 north of the site.

Reason: In the interest of highway safety and amenity, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

52. Unless otherwise approved in writing by the Local Planning Authority the weight of coal and coal products leaving the site by road shall not exceed 300,000 tonnes in any one calendar year. Records of the weight of coal leaving the site by road shall be maintained and made available to the Local

Planning Authority on request.

Reason: To protect the amenity of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

53. Before entering onto the public highway the wheels, undersides and bodies of all vehicles travelling from the site shall be cleaned and, their loads shall be secured and fully covered by sheeting and in such a condition as to avoid the deposit of slurry, mud, coal or other material upon the public highway.

Reason: To ensure that such reasonable precautions are taken and provision made as is necessary to prevent the exit of vehicles onto the public highway which would be likely to deposit material on the public highway to the detriment of highway safety and amenity, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

54. Unless otherwise approved in writing by the Local Planning Authority, heavy goods vehicles employed in the utilisation of coal transportation shall not occur other than between 07.00 and 17.00 hours Monday to Friday and between 08.00 and 12.00 hours on Saturdays.

Reason: To protect the living conditions of nearby residents and in the interests of highway safety, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

55. The operation and regular convening of the Site Liaison Committee, for the duration of the development hereby permitted, shall be carried out in accordance with the details previously submitted to and approved by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To aid the monitoring of site activities, in the interests of residential amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

56. Unless otherwise approved in writing by the Local Planning Authority the only coal to be prepared, treated and stocked at the site shall be that extracted from the site and no other mineral shall be imported into the site for any such preparation, treatment or stocking.

Reason: To prevent operations and activities not considered within the application, in the interests of amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

57. All rubbish and scrap materials generated on the site shall be collected and stored, in a screened position within the site area until such time as they are removed from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

58. The development hereby permitted shall be carried out in accordance with the scheme for the temporary grass seeding of the existing Tip 901, the proposed overburden, soil and baffle mounds or any other areas where such treatment is necessary to mitigate the visual impact of the existing site and proposed landscape features, as previously submitted to and approved by the Local Planning Authority on 15.12.11, unless otherwise approved in writing by the Local Planning Authority.

Reason: To aid in the landscaping and mitigation of site features, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

59. Unless otherwise agreed in writing by the Local Planning Authority, at intervals of 6 months, following the date of this permission, details, in the form of a land survey, sectional details and calculations, shall be provided to the Local Planning Authority indicating the extent and volume of the extraction void and the overburden mound at each such interval.

Reason: To aid in the monitoring of the site, in the interests of amenity in accordance with policies AW5, AW6 of the Rhondda Cynon Taf Local Development Plan.

60. The development hereby permitted shall be carried out in accordance with the Restoration Strategy Plan for the site, which has been previously submitted to and approved in writing by the Local Planning Authority on 21.03.12., unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure adequate reclamation of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

61. Within 6 months of the date of this permission, or in the event of the cessation of winning and working of coal which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, a detailed restoration scheme (in the form of written statements and plans) for the

whole of the site shall be submitted to the Local Planning Authority for its approval. The scheme shall include, inter alia, details of the following unless modified by other conditions of this consent.

- (a) the nature or intended after use of the whole site
- (b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork and any temporary river crossings;
- (c) details of the re-spreading of overburden, subsoil and topsoil previously stripped from the site, including depths and placement;
- (d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing the topsoil;
- (e) the machinery to be used in soil re-spreading operations and the method of soil replacement;
- (f) the final proposed levels of the reclaimed land, at a contour plan at 5m intervals, and the gradient of the slopes which shall be graded to prevent ponding of, or erosion by, surface water and to conform with the surrounding land;
- (g) the drainage of the reclaimed land (including the formation of suitably graded contours to promote natural drainage), the installation of artificial drainage where necessary, and the position and design (including longitudinal and transverse sections) of main outflow ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification and as set out in the approved Ecological and Landscape Management Plan.
- (h) the position and erection of fencing, hedge on bank constructions, gates, walls, cattle ditches and water supplies in order to show field layouts and sections;
- (i) the creation of attenuation ponds, water features, wetlands and their detailed construction to be designed to maximise ecological diversification and as set out in the Ecological and Landscape Management Plan;
- (j) the distribution of woodlands and nature conservation features;
- (k) provision of and position of any footpaths and bridleways to be reinstated or linked with existing Public Rights of Way, including the crossing and surfacing of such routes;

(l) the reconstruction and reinstatement of public highways;

(m) where ditches or streams cross the route of any public highway and the construction of bridges.

Unless otherwise approved in writing by the Local Planning Authority, development shall be carried out in accordance with the approved details.

Reason: To secure adequate reclamation of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

62. Unless otherwise approved in writing by the Local Planning Authority, or as modified or approved in the restoration scheme under condition (61), the restoration of those areas of the site for agricultural use shall conform to the following requirements:

(a) all plant, machinery, buildings, fixed equipment, roads and areas of hardstanding, including site compounds, shall be removed unless any feature forms part of the approved restoration plan;

(b) when they cease to be required for pollution control purposes, settlement ponds shall be emptied of contents, their floors and sides broken up and the voids filled with suitable material to the approved levels prior to the spreading of soils;

(c) following the construction of the final landform, the resultant base material shall be comprehensively ripped to a minimum depth of 0.3m before any soil material is spread. All stones and boulders greater than 300mm in length in any direction, and other foreign material arising from the ripping operations shall be removed and disposed of. Special attention shall be given to areas of excessive compaction such as haul/access roads where deeper ripping may be necessary.

(d) original ground beneath soil and other material bunds shall be loosened to a minimum depth of 0.3m;

(e) any topsoil, subsoil and soil forming material set aside for use for agricultural restoration shall be spread uniformly and in the correct sequence in accordance with the approved restoration scheme. Any soil compaction caused by soil placement operation shall be removed by a loosening or cultivation method; and

(f) the restored soil profiles in areas reinstated to agricultural use, i.e. Areas C & D, shall be undertaken in accordance with their pre working characteristics using the same soils as described in the Soil Resources

Survey report November 2010.

Reason: To ensure adequate management, conservation and utilization of soil resources for the restoration of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

63. The Local Planning Authority shall be given a minimum of 2 working days written notice prior to the commencement of any phase of soil replacement operations, including the dismantling of soil mounds.

Reason: To aid in the monitoring of site activities, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

64. All soils or soil forming materials shall be placed by the "narrow bed, loose tipping" technique, unless otherwise approved in writing by the Local Planning Authority or as modified by other schemes or conditions of this consent. The following rules shall apply:

(a) the soils shall be in a dry and friable condition before any attempt is made to move them;

(b) no wheeled dumped trucks shall be allowed across laid soils;

(c) the final topsoil, subsoil and soil forming material surface shall be placed and levelled by the excavator and dump truck technique as described in sheet 4 of MAFF Good Practice Guide for Handling Soils.

(d) ripping or other soil loosening operation within the loose laid soils shall only be carried out with the prior approval of the Local Planning Authority;

(e) stone removal from topsoil, or subsoil used as topsoil substitute, shall be carried out to achieve an acceptable seedbed;

(f) the final surface shall only be traversed by agricultural machinery suitably adapted to reduce ground pressure.

Reason: To ensure appropriate handling of soil resources, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

65. Unless otherwise approved in writing by the Local Planning Authority, within 6 months of the completion of coal extraction, all settlement ponds or lagoons shall be emptied of water and slurry, their impounding banks breached, their voids filled with dry inert material originating from the site

and their surfaces graded to approved levels.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

66. No soils shall be replaced on any areas restored to finished ground profiles until the levels achieved, in the form of a written statement and plan, have been submitted to, and agreed by a representative of the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate restoration, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

67. The developer shall inform the Local Planning Authority in writing of the termination of coal extraction from the site and within 14 days of the cessation of coaling.

Reason: To aid the monitoring of site activities, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

68. Unless otherwise approved in writing by the Local Planning Authority and notwithstanding any progressive restoration undertaken during the course of the coaling period, backfilling of the void and the full restoration of the site shall commence no later than four weeks after the completion of coaling at the site or within 7 years of the date of the original permission, Ref 10/0292, whichever is the sooner.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

69. Within six months of the date of this permission, details of the restoration works including contour levels, soil profile characteristics, and all necessary agricultural facilities and nature conservation/woodland/wetland areas, soil replacement techniques, depths of cultivation and the temporary seeding to grass and phasing of restoration for the areas identified for progressive restoration under the approved plans, shall be submitted for the written approval of the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such works shall be deemed to be temporary until the details under other conditions of this consent are approved.

Reason: To ensure progressive restoration of the site, in the interests of

amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

70. Within 6 months of the date of this permission, or in the event of a cessation of winning and working of coal (which in the opinion of the Local Planning Authority constitutes a permanent cessation, within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act), details of a five year aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to the Local Planning Authority for its approval. The details shall include the steps that are to be undertaken and the period during which they are to be taken together with the following:-

- (a) the designated areas of the intended after uses for the whole site;
- (b) the timing and pattern of vegetation establishment (including species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- (c) cultivation practices for the preparation of soils;
- (d) boundary/hedgerow construction;
- (e) fertiliser and lime application and weed control based on soil and chemical analysis;
- (f) drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- (g) grassland, wetland and heathland management, including class of grazing stock, livestock, stocking density and mowing practices;
- (h) The provisions and specifications for the establishment of woodland and any remediation measures necessary for other habitat types.
- (i) watering facilities and the provision of supplies;
- (j) the full assessment of the introduction of areas to be restored to nature conservation and their application to local biodiversity objectives;
- (k) the creation, management and maintenance of any paths, tracks or roads;
- (l) any other agricultural, silvicultural or conservation treatment relevant to the site;

(m) fencing; and

(n) details of monitoring, reporting and trigger points for remediation works.

Unless otherwise approved in writing by the Local Planning Authority development shall be carried out in accordance with the approved details.

Reason: To ensure adequate aftercare of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

71. Once a year, the site operator shall arrange a formal review to consider the restoration and aftercare operations which have taken place on the site during the previous year, and also the programme of agricultural management and any other regimes for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, the Countryside Council for Wales and the National Resources Wales and the Regional Planning Advisor. At least four weeks before the date of each annual review, the site operator shall provide the Local Planning Authority with a record of the management and operations carried out on the site during the period covered by the review.

Reason: To ensure adequate restoration and aftercare, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

72. Except as modified within the Section 106 Agreement attached to this consent, the site shall be subject to aftercare for a period of 5 years in accordance with the provisions of an aftercare scheme as approved by the Local Planning Authority.

Reason: To ensure adequate aftercare of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

73. All landscaping works shall be undertaken in accordance with the Landscape and Ecology Management Plan as part of the Restoration Strategy Plan, previously approved under Condition 60 above. Unless otherwise agreed by the Local Planning Authority, planting shall take place no later than the first available planting season after the completion of the land restoration works in that phase.

Any trees or shrubs planted as part of the approved landscaping scheme that, within five years of the date of planting, is removed, dies or becomes,

in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory implementation of the landscaping works in the interests of amenity, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

74. Where any species listed under Schedule 2 or 4 of The Conservation (Natural Habitats, &c.) Regulations 1994 are found to be present on the site during the course of the development, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted, in accordance with the aforementioned Regulations, and a copy has been provided to the Local Planning Authority.

Reason: In the interests of nature conservation, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

75. The development hereby permitted shall be undertaken in accordance with the Updated Wildlife Protection Plan as previously submitted to and approved in writing by the Local Planning Authority on 21.03.12, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of any reptile, bat, or other protected species population, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

76. Prior to the commencement of any phase of tree felling or vegetation clearance during the development further checks and surveys shall be undertaken for protected species.

Reason: To ensure that the species are not present following initial surveys, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

77. Conditions specific to Environmental Resource Centre

The Environmental Resource Centre shall be used as an education and community centre and for no other purposes (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended).

Reason: To ensure continued use as a community facility for the benefit of

the local community, in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

78. The Environmental Resource Centre shall not be brought into use until the area shown on the approved plan attached to planning permission 10/1212/10 has been laid out in accordance with the approved plan as a children's play area and that area shall thereafter not be used for any purpose other than as a play area in connection with the Environment Resource Centre.

Reason: To ensure continued use as a community facility for the benefit of the local community, in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

79. (a) Approval of the details of the scale, appearance and layout of the building, 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 scale, appearance and layout 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.

80. Before the submission of the application for the approval of reserved matters, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground

condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

81. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 79 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

83. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed unless details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

84. Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples 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,

AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

85. Construction works on the development of the Environmental Resource Centre shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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 Policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

86. Prior to the commencement of the development of the Environmental Resource Centre, details of all site engineering works required to construct the Environmental Resource Centre shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure that the scale of the required works are acceptable in the interests of visual amenity and character of the area, in accordance with Policies AW5, AW6 and CS10 of the of the Rhondda Cynon Taf Local Development Plan.

87. Before any work is commenced on site, in relation to the Environmental Resource Centre, the hours of opening of the Environmental Resource Centre shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

88. The development of the Environmental Resource Centre shall not commence until details of the following highway matters have been submitted to and approved in writing by the Local Planning Authority:-

i) improved access and the provision for the creation of a continuous pedestrian foot way link to the proposed development, including the provision of tactile crossing points at the junction with the A4061,

ii) the layout plan and full engineering details of the access improvements,

new access road and parking provision to serve the Environmental Resource Centre.

The approved details shall be implemented prior to beneficial use of the Environment Resource Centre, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision of access, parking and circulation in the interests of highway and pedestrian safety in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

89. No development in respect of the The Environmental Resource Centre 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 Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

90. The Environmental Resource Centre building shall not 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 Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0523/10 (DB)
APPLICANT:	Tower Regeneration Ltd
DEVELOPMENT:	Engineering works to bury existing 33kv power line, construct a surface water run-off interceptor ditch and an access track and restoration works (partly retrospective)
LOCATION:	TOWER SURFACE MINE, RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9UD
DATE REGISTERED:	27/06/2013
ELECTORAL DIVISION:	Hirwaun

RECOMMENDATION: Approve

REASONS:

The principle of the development is considered acceptable as it would represent a minor extension to the ongoing Tower surface Coal Mine site (10/0292). The proposed development is considered to comply with the

relevant polices of the Local Development Plan in respect of its impact on ground stability, drainage and flooding, the restored scheme of 10/0292, residential amenity and highway safety. These other material considerations outweigh the adverse environmental effects on nature conservation and visual amenity, but these adverse effects have been minimised as far as possible, given the mountain location.

APPLICATION DETAILS

Consent is sought for engineering works to bury the existing 33kv power line, construct a surface water interceptor ditch and an access track together with restoration works. The application is partly retrospective as works have already commenced.

It is proposed to divert the pole mounted 33kv electricity power line which presently runs within the excavation area associated with the approved Tower Surface Coal Mine (10/0292), to the south and beyond the approved limit of excavation, and to bury the route within the site of this present application.

It is also proposed to construct a surface water interceptor channel in order to prevent the surface water which is flowing from the mountain terrain from entering the excavation void of the Tower Surface Coal Mine to the south. This channel would link in with the remainder of the surface water channel to be constructed to the west and east of this site and which would be located within the main Tower Surface Coal Mine site.

The works to accommodate the buried electricity line and the surface water channel comprise the excavation of a platform of variable width, which is proposed to be formed within solid strata along the steeply rising mountainside. The final proposed profile would have a gradient which falls towards the west with also a slight gradient towards the north, in order to facilitate bench drainage and enable surface water to flow into the drainage ditch. The drainage ditch would be formed along the inside edge of the platform.

Restoration details involve stripping and using the soils, natural regeneration and planting or re-seeding.

The application is accompanied by the following information:-

- i) Plans of the site, cross sections and typical detail of the drainage ditch and buried electricity cable.
- ii) A Geotechnical Report dated March 2013 and an undated Addendum .
- iii) Restoration details.

SITE APPRAISAL

The application site relates to a linear parcel of land which measures approximately 810 metres long and between 5m and 25m wide (approximately 0.97 hectares) and lies just to the south of the south western boundary of the Tower Coal Surface Mine, and at its most westerly point lies approximately 350 m to the south east of Rhigos Road.

The site occupies steeply sloping ground with an average gradient of 1 in 2.5 to 1 in 3 with occasional sections which are significantly steeper. It occupies land between 370m AOD to 340m AOD. The Hirwaun No. 2 Fault passes across the route of the site.

There are a number of small watercourses which flow down the mountainside and are contained within deeply incised channels/gullies, which would be intercepted by the works.

The site is located within the Hirwaun Common Site of Importance for Nature Conservation and is also located within Hirwaun Common Special Landscape Area.

The site is visible as part of an overall panoramic view from locations within 5km of the site including the Brecon Beacons National Park, which is located approximately 1.5km north of the Tower Surface Coal site boundary.

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

The nearest residential properties to the site are located at Ty Draw Farm, and within the village of Rhigos and adjacent to the access on Rhigos Road i.e. properties known as Maesglas, Cartref and Willows Farm.

The excavation works to construct the platform and bury the power line have commenced and are ongoing.

MOST RELEVANT PLANNING HISTORY

13/0466	Tower Colliery, Rhigos Road, Hirwaun, Aberdare	Variation of conditions 19, 20, 21, & 22 of planning approval 10/0292 to extend working hours on Saturday to 1600 Hours.	On this agenda
10/0292	Tower Colliery, Rhigos Road, Hirwaun, Aberdare	Land remediation and reclamation of old tips, derelict land and buildings; surface coal extraction and associated ancillary development including improvements to the access onto the A4061; recontouring and landscaping of the site to enable future re-	Granted 16/12/11

development; restoration and after care for agricultural purposes, nature conservation with public access and provision of a visitor/education centre.

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

STATUTORY CONSULTATIONS

Land Reclamation and Engineering - raises no objections and advises of drainage conditions.

Countryside - raises concerns about the additional loss of habitat within the SINC, but raises no objections subject to conditions of restoration. No relevant Sewbrec records of statutory protected species from immediate vicinity.

Wales & West Utilities - raises no objections and advises of nearby apparatus which should be protected.

Dwr Cymru Welsh Water - raises no objections and advises of nearby apparatus which should be protected.

Natural Resources Wales (NRW) – raises no objections and provides advice on drainage and pollution prevention measures.

Rhigos Community Council - raises an objection to the application on the grounds of noise and dust pollution.

PUBLICITY

The application has been advertised by site notices and neighbourhood notification. No letters have been received as a result of this publicity.

PLANNING POLICY

Rhondda Cynon Taf Local Development Plan

The Proposal and Constraints Maps show that the site lies in the countryside, within the area of primary and secondary coal resources, within a Site of Importance for Nature Conservation (SINC 10 - Hirwaun Common) and within the Special Landscape Area (NSA 25.8 - Hirwaun Common).

Policy CS10.2, 4 & 6 – seeks to safeguard areas of coal resources, to ensure that appropriate restoration and after care measures are incorporated and impacts upon residential areas and sensitive land uses from mineral operations are limited to an acceptable proven safe limit.

Policy AW6 – supports development with a high standard of design where (7) landscaping and planting are integral to the scheme and enhance the site and the wider context, (14) the design protects and enhances the landscape and biodiversity, (16) the design promotes good water management.

Policy AW8 – only permits development proposals where they would not cause harm to features of a Site of Importance to Nature Conservation, unless the proposal is directly necessary for the positive management of the site, would not unacceptably impact on the features of the site for which it has been designated or the development could not reasonably be located elsewhere and the benefits of the proposed development clearly outweigh the nature conservation value of the site. The proposed development should have no unacceptable impact upon ecological networks, the quality of natural resources such as water, soil and the natural drainage of surface water.

Policy AW10 – does not permit development proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity due to (6) land stability, (7) water pollution, (8) flooding.

Policy NSA 25 – requires development within Special Landscape Areas to conform to the highest standards of design, siting, layout and materials, appropriate to the character of the area.

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and

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

Minerals Planning Policy Wales Part 1 B (To Protect areas of importance to the natural and built heritage from inappropriate mineral development), C (To reduce the impact of mineral extraction and related operations during the period of working) D (To achieve a high standard of restoration and after care, and provide for beneficial after uses when mineral working has ceased) , Part 2 Para's 61-63 (Coal).

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

Para's 45 to 54 (development control), Para's 55 to 58 (use of conditions, planning obligations and agreements, Para's 60 to 66 (finance for a reclamation scheme) , Para 89 (locally significant environmental designation) Para 94 (agricultural land) Para 96 to 110 (reducing the impact of coal extraction), Para's 178 to 184 (visual impact), Para 187 to 195 (stability) Para's 201 to 217 (water), Para's 230 to 253 (land stability and subsidence), Para's 257 to 284 (high standard of restoration, after care and after use).

Other relevant policy guidance consulted.

PPW Technical Advice Notes (TAN) 5 Nature Conservation and Planning.

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

Whilst the application site is located outside the settlement boundary, it is located within the area of primary and secondary coal resources, as defined in the LDP. The proposed development would be carried out in connection with the ongoing Tower Surface Coal Mine Site, (planning permission ref. 10/0292), which is located immediately to the north of the application boundary. The development would represent a minor extension to the ongoing Tower Surface Coal Mine Site, and provide for the diversion of an electricity cable and the provision of the southern perimeter drainage channel, albeit at a more southerly location, that were envisaged as part of the original approval. It is therefore considered that the development is acceptable in principle.

It is considered that the main considerations in the determination of the application are the impact on ground stability, nature conservation and landscape features, impact on the approved restoration scheme, the impact on the amenities of neighbouring properties, impact on surface water and flooding issues and highway safety.

Ground stability

The submitted Geotechnical Report and the Addendum has highlighted that the platform which is proposed to be used to divert the power line and contain the surface water drainage channel has been cut into a rock base which appears to be structurally sound, and that there is no concern regarding the structural integrity of this feature. The Report states that there are a number of uphill sections in several locations within the site which exhibit instability issues within the surface weathered zone, but that these instabilities are what might be expected associated with the problem of trying to excavate slopes through ground which is steeply inclined and naturally has a marginal degree of stability. However, little significance has been given to these instability issues as they are generally of limited extent and due to the lack of any sensitive structures in close proximity to the site. The Report recommends that the site is monitored on a regular basis until the main areas of instability have stabilised.

The Council's Structural Engineer has considered the submitted Report and has advised that the proposal to periodically clear any falling debris and routinely monitor the site is a suitable solution. No concerns are therefore raised subject to conditions to secure these matters. It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on ground stability.

Surface water drainage and flooding issues

The proposal includes the provision of a surface water drainage ditch which would form part of the overall southern interceptor channel for the Tower Surface Coal Mine Site. Typical construction sections of this drainage channel have been provided, which show that it would be similar in appearance to the remainder of the drainage channel within the site boundary of the Tower Surface Coal Mine Site. However, no details have been provided of how the existing water channels which cross through the site would be accommodated, how the channel fits in with the restoration scheme of the Main Site nor of the drainage calculations to accompany the application. The Council's Drainage Officer has considered the proposal and has raised no objections subject to conditions to secure, prior to beneficial use, full drainage details and measures to manage the rock fall from up-slope areas to ensure adequate disposal of drainage from the site, to prevent further instability and flooding. NRW have considered the proposals and have raised no objections

subject to conditions to secure pollution prevention measures in order to prevent any impact on receiving watercourses.

It is therefore considered that, subject to the imposition of conditions as recommended above, the proposed scheme complies with national and local planning policies in respect of its impact on surface water drainage and flooding issues.

Impact on nature conservation, visual amenity and the approved restoration scheme of 10/0292

The proposed excavation works, which have been largely implemented, involve the excavation of mountain ground which is steeply inclined and which has led to additional adverse visual and nature conservation impacts on the SINC and the SLA, over and above that identified within the Environmental Impact Assessment for the Tower Surface Coal Mine Site (10/0292). It is therefore important to ensure that further erosion is minimised and appropriate restoration works are undertaken to minimise these impacts.

In respect of the upper slopes of the excavation works, the Geotechnical Report, accompanying the application, has advised that the best course of action regarding remediation is to leave these slopes to find their own natural angle of repose, as any further excavation designed to stabilise the slope would involve a significant extension in the area of disturbed ground of the hillside to the south. It is therefore considered that, once the upper slopes have stabilised, the proposed restoration should initially rely on natural processes and colonisation to recover some form of vegetation cover. However, if, some form of intervention is considered, such as hydro-seeding, then this could be secured during the after care period, by condition. In respect of the lower slopes, it is considered that the restoration should include use of the recovered soils where ground profiles allow.

The typical section drawing shows that the drainage channel would incorporate the use of natural block stone and river gravel material, which is the same general finish to that proposed for similar drainage channels within the remainder of the Tower Coal Mine Site. This type of finish is considered to be acceptable in principle subject to a condition to secure the precise construction details, use of materials and methodology, to reduce further impacts on adjacent ecological areas and secure a high quality finish, appropriate to the character of the area.

It is considered that there would be no other discernible impact on the approved restoration scheme under 10/0292, as the approved scheme also provided for a southern interceptor channel running parallel and to the north of the proposed channel.

In conclusion, it is considered that whilst the adverse impact on the natural environment is acknowledged, the inclusion of a restoration scheme to include the

details of the use of natural materials for the water channel, natural colonisation of the slopes and re-use of soil materials, and an after care scheme should reduce these impacts as much as possible, given the extreme mountain conditions. These would represent reasonable steps to minimise the impacts of the development on the environmental quality of the site.

OTHER ISSUES

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

Residential amenity

As the site operations would be undertaken in connection with the Tower Coal Surface Mine, which is situated in close proximity to a number of residential properties there is the potential for the works to have an impact on the residential amenity of these properties, in terms of noise and dust, and an objection has been received from Rhigos Community council regarding these matters. There is also the potential for the works to have an effect on the enjoyment of users of the open countryside on land adjacent.

It is considered that a condition can be imposed to ensure that the development is undertaken fully in accordance with the noise and dust management plans of the Tower Surface Coal Mine Site (10/0292) i.e. the Noise Management Plan approved in accordance with Condition 28, and the Strategic Environmental Management Plan, approved in accordance with Condition 42.

It is therefore considered that the proposed scheme would comply with national and local planning policies in respect of its impact on the amenities of nearby residents and recreational users.

Highway safety

Highway safety issues would extend to whether the provision of the access to the site from the existing highway network is acceptable. Access for construction and restoration works would be gained from the Tower Surface Coal Mine site, which is gained from the main entrance along the A4061 Rhigos Road. No objection has been raised from the Council's Transportation Section, and a condition can be imposed to secure the use of this access.

Conclusion

In conclusion, it is considered that the proposed development would be acceptable in principle and comply with the relevant policies of the Local Development Plan in respect of its impact on ground stability, surface water drainage and flooding issues, impact on the restoration scheme of 10/0292, residential amenity and highway

safety, (policies AW5, AW6, AW7, AW8 and AW10). It is considered that whilst there are adverse environmental effects on nature conservation and visual amenity, these adverse effects would not be so demonstrably harmful to justify rejecting the development, the effects of which have been minimised as far as possible, given the mountain location and are outweighed by the material considerations raised above.

RECOMMENDATION: Grant

1. The development hereby permitted shall be undertaken fully in accordance with the approved plans.

Reason: To define the consent granted.

2. No discharge of surface water drainage into the interceptor ditch shall be allowed until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority, to incorporate full drainage details, measures to control surface water run off from/to the adjacent surface coal mine site, measures to prevent rock fall from the up-slope areas, how the development would comply with Section 8.3 of Technical Advice Note 15 and all other relevant matters contained within the document Planning Requirements Relating to Flood Risk Management. The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

3. The works shall be implemented in accordance with the approved Strategic Environmental Management Plan, in respect of Planning Permission Ref 10/0292, for the Tower Surface Coal Mine, unless otherwise approved in writing by the Local Planning Authority.

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

4. The development hereby permitted and the regular monitoring of the development shall be undertaken fully in accordance with the recommendations of the submitted Geotechnical Report and Addendum, unless otherwise approved in writing with the Local Planning Authority.

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

5. Within 6 months of the date of this permission, details shall be submitted to and approved in writing by the Local Planning Authority of the restoration of the site to include the use of all soils recovered, and the use of hydroseeding following cessation of the construction activities hereby approved, and timescale for implementation. The site shall be restored in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site in accordance with policies AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

6. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner, and any planting, seeding or turfing 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 other seeding, planting of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. The development hereby permitted shall be undertaken fully in accordance with the Pollution Prevention Scheme approved in accordance with Condition 48 of the Tower Surface Coal mine Site (10/0292) unless otherwise approved in writing with the Local Planning Authority.

Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The development hereby permitted shall be undertaken fully in accordance with the Noise Management Plan approved in accordance with Condition 28 of the Tower Surface Coal mine Site (10/0292) or as otherwise approved in writing with the Local Planning Authority.

Reason: To protect the living conditions of nearby residents and recreational users, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No heavy good vehicle employed during the construction and restoration works associated with the development hereby permitted, shall utilise any access point other than the existing access road that emerges onto the A4061 to the north of the site.

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

10. Unless otherwise approved in writing by the Local Planning Authority, the proposed development shall be completed by 31st May 2015, and the restoration of the site shall be in full accordance with the Restoration Scheme approved in accordance with Condition 5 above, or as may be subsequently amended by any condition or approval under this consent.

Reason: To ensure the satisfactory restoration of the site in accordance with policies AW6 and AW7 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0560/10 (MJ)
APPLICANT:	Newydd Housing Association
DEVELOPMENT:	Demolition of the existing building and the construction of 15 affordable dwellings and commercial / retail floorspace (use class A1 / A3 restaurant / cafe) and associated works. Additional supporting information received 24/09/13.
LOCATION:	FORMER BINGO HALL, CANON STREET, ABERDARE, CF44 7AT
DATE REGISTERED:	30/05/2013
ELECTORAL DIVISION:	Aberdare East

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RECOMMENDATION: Approve

REASONS:

The proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the character and setting of the Aberdare Conservation Area, the residential amenity of surrounding properties and highway safety.

The proposal is also considered to contribute positively to the role of Aberdare as a principal town and is of a standard of design that will enhance the character of the conservation area in accordance with the requirements of policy NSA1 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION DETAILS

Full planning permission is sought for the demolition of the former bingo hall on the site and the erection of 15 affordable apartments with a retail unit on the ground floor on land at Canon Street, Aberdare. The building has been disused for some time.

The proposed building will have a smaller footprint than the existing bingo hall, and will measure 17.5m across its frontage with Canon Street by 25.6m along the elevation fronting Maendy Place and Weatheral Street. It will be four storeys at a height of 17m to the ridge stepping down to a height of 14.5m on the rear section of the building. The building will be designed so that its frontage will be similar to the existing building with the gable fronting Canon Street, finished in render and grey roof tiles.

The retail unit will be located on the ground floor of the building and will have a floor area of 315sq.m. The main access will be from Canon Street where the front elevation will be fully glazed on the ground floor.

The proposed apartments will consist of nine 1-bedroom units and six 2-bedroom units spread over the first, second and third floors of the proposed building. A drying area is proposed on the ground floor to the rear of the building.

Pedestrian access to the flats will be via a central staircase at the rear of the building, which will be accessed from the car park to the rear of the development, or alternatively through an entrance off Canon Street. Vehicular access to the properties will be from Dean Street to a parking area with 15 off-street car parking spaces. The bike store will accommodate 8 spaces.

The application is accompanied by a Viability Assessment Statement for Demolition, a Flood Consequences Assessment and a bat survey.

SITE APPRAISAL

The site is within the Aberdare Town Centre and Conservation Area. The site is not listed but is close to a number of listed buildings and structures including the Trinity Presbyterian Church. Properties along Canon Street are predominantly commercial and the properties in Dean Street and Maendy Place are predominantly residential.

The site is a large building previously used as a cinema, and appears to have been built for a community use purpose (chapel, temperance hall or theatre). The building is positioned on the northern side of Canon Street. The site is currently vacant and was last used as a bingo hall and has a prominent entrance porch onto the footway of Canon Street. Generally the front elevation of the building is finished in cream painted stone and smooth render.

The Palladium was originally built in 1858 as a Temperance Hall but was converted into the new theatre and hippodrome and altered and given a portico. It was renamed in 1918 and was used as a cinema. In the 1930s it was given a new

façade in an Art Deco style and altered internally. The building was also subject to further alteration and renovation in the 1990s. In 2009 a blue plaque was installed on the building to signify it as a historic meeting house for the community.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

13/0561	Demolition of the existing building and the construction of 15 affordable dwellings and commercial / retail floorspace (Use Class A1 / A3 restaurant /cafe) and associated works (Conservation Area Consent).	Under consideration
12/0045	Replace masonry architraves with 2mm zintec steel moulding.	Conditions 13/03/12
11/0507	Provide roller shutter doors to the rear of the front porch.	Conditions 31/05/11
10/0661	Provide roller shutter doors to front elevation (retrospective application).	Refused 06/10/10 Appeal: Dismissed 04/03/11
95/0429	Illuminated signs	Conditions 08/01/96
92/0252	Alterations including restoration of front elevations	Conditions 02/06/92
88/0386	Alterations	Conditions 22/09/88
87/0326	Alterations including removal of existing façade	Conditions 16/02/87
83/0040	Proposed conversion to bungalow	Conditions 16/02/83

PUBLICITY

The application has been advertised by a press notice, direct neighbour notification and site notices. One letter has been received which is summarised as follows:

- Comments that the proposal's design does not enhance Canon Street and does not make a contribution to the Conservation Area.
- The massing, bulk and height of the proposed building does not relate well to the character of Aberdare.
- Concerns that the application has not been accompanied by a Heritage Statement.
- Highlight the implications of losing this building within the Conservation Area and the impact this will have on the setting of the adjacent listed building as well as the wider setting of the Conservation Area.
- Comments that plans should be submitted showing the proposal in relation to the listed building so that the full context of the proposal can be considered.
- Concerns that the building will be demolished so soon after the façade was reinstated to that of the Temperance Hall.
- The objector considers that the retail unit would benefit from being made up of smaller units to break up the frontage. There are concerns that the proposed frontage will over-dominate the street scene.

CONSULTATIONS

Transportation Section – no objections subject to conditions and subject to the applicant entering into an agreement to make a contribution towards implementing traffic control around the site.

Public Health and Protection – no objections subject to conditions.

Natural Resources Wales – advise that the site lies within zone C2 as defined by the Development Advice Map referred to under TAN15. Their records confirm that the site is partially within the 1% (1 in 100 year) and is 0.1% (1 in 1000 year) annual probability fluvial floods outlines of the River Dare. They have advised that the Flood Consequences Assessment submitted with the application is insufficient and have requested further information.

Countryside, Landscape and Ecology – no objections subject to advisory note regarding development and the potential impact on bats and for the development to be carried out in accordance with the recommendations made in the bat survey. In addition, no SewBrec records of statutory protected species have been found in the immediate vicinity.

Land Reclamation and Engineering – no objections subject to conditions.

Welsh Water/ Dwr Cymru – have currently submitted a holding objection on the grounds of the Sewage Treatment Works.

Housing Strategy – no objections to 100% affordable housing.

POLICY CONTEXT

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

Local Plan

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 as a result of flooding.

Policy NSA1 refers to development in the Principal Town of Aberdare.

Proposals for residential and commercial development within the defined town centre of Aberdare will be permitted where the development:-

- Reinforces the role of Aberdare as a Principal Town;
- Respects the culture and heritage of Aberdare;
- Is of a high standard of design and makes a positive contribution to the townscape in the defined town centre;
- Integrates positively with existing development;
- Promotes accessibility to services by a range of sustainable modes of transport.

Policy NSA12 refers to development within and adjacent to Settlement Boundaries and states that development in the Northern Strategy Area will be permitted within the defined settlement boundaries where it can be demonstrated that:

- The proposed development does not adversely effect the provision of open space;
- The proposed development does not adversely affect the highway network and is accessible to local services by a range of modes of transport, on foot or by cycle;

- The proposed development does not adversely affect the provision of car parking in the surrounding area; and
- Where sites are contaminated or subject to land instability, adequate remediation can be achieved.

National Guidance

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 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), and Chapter 10 (Planning for Retail and Town Centres) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

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

The site is within the settlement boundary of Aberdare town centre where the principle of residential and commercial development is considered acceptable subject to certain criteria. As detailed above, the scheme seeks to provide fifteen affordable apartments and a new retail unit, in a building that is four storeys in height. The site is within Aberdare Conservation Area and within the retail zone, in close proximity to transport links to Cardiff, Merthyr Tydfil and the wider Rhondda Cynon Taf Borough. As a result of its location, the proposal will be within easy access of a variety of differing uses, and the area which immediately adjoins the site, is a mixture of residential and commercial properties.

The key considerations in this case are whether the proposed development will have an acceptable impact on the character and appearance of the surrounding area, with particular regard to the location of the site within the Aberdare Conservation Area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

Character and Appearance of the Area

In terms of the effect of the proposal on the character and appearance of the area and objections raised, it is considered that the scale of the plot is appropriate to accommodate a building of the scale proposed. It is acknowledged that it would be desirable to maintain the existing building on the site, due to its prominent location within the conservation area. However, it is considered that the applicant has provided a sufficient justification for the demolition of the building. The applicant has demonstrated that it would be unviable to convert the existing building to the uses proposed due to the poor condition of the building and also the layout of the building.

It is considered that the proposed development is of a scale and design that will ensure that the building will be in keeping with the character and appearance of the area. The use of render to the elevations and grey roof tiles is considered to be reflective of the character of the conservation area and will help to enforce the traditional characteristics of the area. The height and mass of the proposed building on Canon Street will be similar to the existing vacant building on the site, which ensures that the impact of the development on the setting of the neighbouring listed church will not be altered to a significant degree. The proposal to erect a four storey building is therefore considered acceptable given its context within the street scene.

The proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Residential Amenity

With regards to the impact on neighbouring residential amenity, it is considered that the proposed development will have an acceptable impact. Although the proposed building will be four storeys, in close proximity to existing two storey terraced properties, it is considered that the distance between the existing and proposed buildings is sufficient to ensure that the development will not have a significant overbearing impact on existing dwellings. The area covered by the proposed building is smaller than the existing building on the site and therefore it is considered that the impact of the proposal on the properties along Dean Street will be reduced and improved in comparison to the existing situation.

Although the windows in the front elevation of the proposed building on Canon Street, Weatheral Street and Dean Street will overlook some of the front windows of existing dwellings and flats along these streets, it is considered that the distances between windows will be reflective of the surrounding terraced streets and it is not considered that overlooking will be to such a detrimental level as to warrant the refusal of the application for this reason.

It is considered that the proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in this respect.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. The appropriate condition is attached below.

In terms of the potential effects of the demolition and construction works on dust and air pollution that could have an effect on neighbouring properties, this issue is dealt with under Public Health legislation. An advisory note regarding dust will be attached to any consent granted.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjoining and adjacent to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With reference to parking and access issues, the Council's Transportation Section has considered the information submitted with the application and have raised no objections subject to conditions which are recommended below.

The proposal is in Aberdare Town Centre Zone 1 as stated in the Supplementary Planning Guidance: Access, Circulation & Parking, which has a variety of businesses, public car parks and both bus and rail stations a short walking distance from the site. There is considerable demand for on-street car parking space within the surrounding streets which has limited waiting parking restrictions on the development side of the carriageway and residential permit parking only on the opposite carriageway lane.

Having regard to the fact that the proposal is for affordable housing and that secure cycle storage is to be provided for 8 bicycles, and scope for the surrounding street to cater for occasional on-street parking, and local community facilities and public transport services are within walking distance of the site, the number of off-street parking spaces is considered to be to an acceptable level. Residents of affordable housing are also less likely to have a high level of car ownership. The Transportation Section has however recommended that the applicant does make a contribution to implement new traffic controls on the roads outside the site to increase the on-street parking availability for local residents.

Having regard to the guidance contained in the Supplementary Planning Guidance and the nature of the proposal which is unlikely to generate residents who are car owners, and its location within the town centre; the proposal is considered to offer an acceptable level of off-street car parking.

The proposal is therefore considered to be in keeping with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of the impact on highway safety.

Flood Risk

The site is partially located within zone C2 and the applicant has submitted a flood consequences assessment to accompany the application. Natural Resources Wales have recommended that the applicant submits further information as the proposed development (residential) is considered to be vulnerable development. Technical Advice Note 15 (flood risk) recognises that *'some flexibility is necessary to enable the risks of flooding to be addressed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land'*.

Aberdare is a key settlement in Rhondda Cynon Taf and it is considered that due to the fact that the proposed development is on brownfield land in a prominent location in the town centre, providing affordable housing for the area and a new retail unit, it has the potential to make a positive contribution to the vitality and viability of the area.

It is considered that the retail unit on the ground floor represents less vulnerable development and within the extremities of the floodplain which would be the same as the existing situation. The applicant intends to install flood resilient measures on the ground floor retail unit such as the use of water resistant materials and siting electrical facilities at higher than normal levels. In the event of an extreme flood where the building could be affected, it would be the housing association as landlord to provide an emergency preparedness plan for residents.

On balance, it is therefore considered that having regard to the fact that the proposed development will be a replacement building with less vulnerable development on the ground floor, the proposal is acceptable in terms of the likely impact of flooding.

Other Matters

With regard to the principle of the demolition of the building and objections raised in relation to this, it is important to assess the impact of the loss of the building on the character and appearance of the area, as well as taking into account all supporting information.

The building is set within a prominent location within the town centre and has a distinctive presence in the street scene along Canon Street mainly due to its large scale. Whilst it is regrettable that the building will be demolished as part of the current proposal, it is considered that, having regard to the fact that the building has not been in use for some time as a leisure facility for the community and the fact that

the applicant has submitted information regarding the viability of the conversion of the building, the loss of the building is acceptable in this case. The applicant has demonstrated that it would be unviable to convert the existing building to the uses proposed due to the poor structure of the building and also the layout of the building.

The building has been extensively altered both internally and externally throughout the years and although the building does contribute greatly to the local history of Aberdare, it is not considered that the loss of the building will be so detrimental to the character and setting of the Conservation Area and the nearby listed building to warrant the refusal of the application.

The application will also deliver much needed affordable housing within the northern strategy area. There is a distinct shortage of affordable housing being built within the Northern Strategy Area; particularly one-bed flats. The applicant proposes 9 x one-bed and 6 x two-bed affordable units which comply with policy AW1 and other Local Development Plan objectives.

Welsh Water have not provided a full response to the application at the time of writing however they have issued a holding objection on the basis that they are awaiting a response from their Waste Water Treatment Works section on whether or not there is capacity in the area to accommodate the proposed development. Having regard to the fact that there is an existing building on the site with its own drainage system and it is considered that the existing building, should it be brought back into use, would generate similar or greater flows into the system.

Conclusion

The residential proposal is acceptable as a matter of principle as it involves re-development of this vacant building/site in Aberdare town centre that would contribute to the economic and social growth of Aberdare. The design, scale and massing of the scheme are acceptable in terms of their consequences for the character and appearance of the locality and access and highway safety, and there are no other material considerations of overriding concern. The recommendation is therefore that the application be approved subject to the conditions set out below.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

The developer will be required to enter into a Section 106 agreement to ensure that the development would be secured for affordable housing.

The developer will also be required to enter into a Section 106 agreement to contribute a sum of £5000 towards implementing traffic controls around the application site.

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

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

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

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

4. Development shall not begin until a scheme for the foul and surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out as agreed

prior to the dwellings being brought into beneficial use.

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

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

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

6. Each of the dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

8. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for

Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

9. 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 011 Rev PC and 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.

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

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0561/20 (MJ)
APPLICANT:	Newydd Housing Association
DEVELOPMENT:	Demolition of the existing building and the construction of 15 affordable dwellings and commercial / retail floorspace (Use Class A1 / A3 restaurant /cafe) and associated works (Conservation Area Consent). - additional supporting information received 24/09/13
LOCATION:	FORMER BINGO HALL, CANON STREET, ABERDARE, CF44 7AT
DATE REGISTERED:	30/05/2013
ELECTORAL DIVISION:	Aberdare East

RECOMMENDATION: Approve

REASONS:

The proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the character and setting of the Aberdare Conservation Area, the residential amenity of surrounding properties and highway safety.

The proposal is also considered to contribute positively to the role of Aberdare as a principal town and is of a standard of design that will enhance the character of the conservation area in accordance with the requirements of policy NSA1 of the Rhondda Cynon Taf Local Development Plan.

APPLICATION DETAILS

Conservation Area Consent is sought for the demolition of the former bingo hall on the site and the erection of 15 affordable apartments with a retail unit on the ground floor on land at Canon Street, Aberdare. The building has been disused for some time.

The proposed building will have a smaller footprint than the existing bingo hall, and will measure 17.5m across its frontage with Canon Street by 25.6m along the elevation fronting Maendy Place and Weatheral Street. It will have four storeys at a height of 17m to the ridge stepping down to a height of 14.5m on the rear section of the building. The building will be designed so that its frontage will be similar to the existing building with the gable fronting Canon Street, finished in render and grey roof tiles.

The retail unit will be located on the ground floor of the building and will have a floor area of 315sq.m. The main access will be from Canon Street where the front elevation will be fully glazed on the ground floor.

The proposed apartments will consist of nine 1-bedroom units and six 2-bedroom units spread over the first, second and third floors of the proposed building. A drying area is proposed on the ground floor to the rear of the building.

Pedestrian access to the flats will be via a central staircase at the rear of the building, which will be accessed from the car park to the rear of the development, or alternatively through an entrance off Canon Street. Vehicular access to the properties will be from Dean Street to a parking area with 15 off-street car parking spaces. The bike store will accommodate 8 spaces.

The application is accompanied by a Viability Assessment Statement for Demolition, a Flood Consequences Assessment and a bat survey.

SITE APPRAISAL

The site is within the Aberdare Town Centre and Conservation Area. The site is not listed but is close to a number of listed buildings and structures including the Trinity Presbyterian Church. Properties along Canon Street are predominantly commercial and the properties in Dean Street and Maendy Place are predominantly residential.

The site is a large building previously used as a cinema, and appears to have been built for a community use purpose (chapel, temperance hall or theatre). The building is positioned on the northern side of Canon Street. The site is currently vacant and was last used as a bingo hall and has a prominent entrance porch onto the footway of Canon Street. Generally the front elevation of the building is finished in cream painted stone and smooth render.

The Palladium was originally built in 1858 as a Temperance Hall but was converted into the new theatre and hippodrome and altered and given a portico. It was renamed in 1918 and was used as a cinema. In the 1930s it was given a new façade in an Art Deco style and altered internally.

The building continued in use as a cinema until the early 1970s when it was converted into a bingo hall. The bingo hall is now disused and the building now has a chapel like façade – the Art Deco façade was likely removed during the 1990s and the current elevation reinstated. Evidence in photographs confirm that the current façade is a close replica of the original façade of the building.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

13/0560	Demolition of the existing building and the construction of 15 affordable dwellings and commercial / retail floorspace (Use Class A1/A3 restaurant /cafe) and associated works (Full Planning Permission).	Under consideration
12/0045	Replace masonry architraves with 2mm zintec steel moulding.	Conditions 13/03/12
11/0507	Provide roller shutter doors to the rear of the front porch.	Conditions 31/05/11
10/0661	Provide roller shutter doors to front elevation (retrospective application).	Refused 06/10/10

		Appeal: Dismissed 04/03/11
95/0429	Illuminated signs	Conditions 08/01/96
92/0252	Alterations including restoration of front elevations	Conditions 02/06/92
88/0386	Alterations	Conditions 22/09/88
87/0326	Alterations including removal of existing façade	Conditions 16/02/87
83/0040	Proposed conversion to bungalow	Conditions 16/02/83

PUBLICITY

The application has been advertised by a press notice, direct neighbour notification and site notices. One letter has been received which is summarised as follows:

- Comments that the proposal's design does not enhance Canon Street and does not make a contribution to the Conservation Area.
- The massing, bulk and height of the proposed building does not relate well to the character of Aberdare.
- Concerns that the application has not been accompanied by a Heritage Statement.
- Highlight the implications of losing this building within the Conservation Area and the impact this will have on the setting of the adjacent listed building as well as the wider setting of the Conservation Area.
- Comments that plans should be submitted showing the proposal in relation to the listed building so that the full context of the proposal can be considered.
- Concerns that the building will be demolished so soon after the façade was reinstated to that of the Temperance Hall.

- The objector considers that the retail unit would benefit from being made up of smaller units to break up the frontage. There are concerns that the proposed frontage will over-dominate the street scene.

CONSULTATIONS

GGAT - no response.

The Victorian Society – raise objections to the demolition of the building.

POLICY CONTEXT

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

Local Plan

Rhondda Cynon Taf Local Development Plan

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 NSA1 - refers to development in the Principal Town of Aberdare.

Proposals for residential and commercial development within the defined town centre of Aberdare will be permitted where the development:-

- Reinforces the role of Aberdare as a Principal Town;
- Respects the culture and heritage of Aberdare;
- Is of a high standard of design and makes a positive contribution to the townscape in the defined town centre;
- Integrates positively with existing development;
- Promotes accessibility to services by a range of sustainable modes of transport.

National Guidance

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 6 (Conserving the Historic Environment) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

The site is within the settlement boundary of Aberdare town centre where the principle of residential and commercial development is considered acceptable subject to certain criteria. As detailed above, the scheme seeks to provide fifteen affordable apartments and a new retail unit, in a building that is four storeys in height. The site is within Aberdare Conservation Area and within the retail zone, in close proximity to transport links to Cardiff, Merthyr Tydfil and the wider Rhondda Cynon Taf Borough. As a result of its location, the proposal will be within easy access of a variety of differing uses, and the area which immediately adjoins the site, is a mixture of residential and commercial properties.

The key considerations in this case are whether the proposed development will have an acceptable impact on the character and appearance of the surrounding area, with particular regard to the location of the site within the Aberdare Conservation Area.

Principle of Demolition

With regard to the principle of the demolition of this building within the Aberdare Conservation Area and objections raised in relation to this, it is important to assess the impact of the loss of the building on the character and appearance of the area, as well as taking into account all supporting information.

The building is set within a prominent location within the town centre and has a distinctive presence in the street scene along Canon Street mainly due to its large scale. Whilst it is regrettable that the building will be demolished as part of the current proposal, it is considered that, having regard to the fact that the building has not been in use for some time as a leisure facility for the community and the fact that the applicant has submitted information regarding the viability of the conversion of the building, the loss of the building is acceptable in this case. The applicant has demonstrated that it would be unviable to convert the existing building to the uses proposed due to the poor structure of the building and also the layout of the building.

The building has been extensively altered both internally and externally throughout the years and although the building does contribute greatly to the local history in Aberdare, it is not considered that the loss of the building will be so detrimental to the character and setting of the Conservation Area and the nearby listed buildings to warrant the refusal of the application.

Character and Appearance of the Conservation Area

In terms of the effect of the proposal on the character and appearance of the conservation area and objections raised, it is considered that the size of the plot is appropriate to accommodate a building of the scale proposed. It is acknowledged that it would be desirable to maintain the existing building on the site, due to its prominent location within the conservation area. The proposed building is of a similar scale in terms of its height and will ensure that the relationship with Canon Street will be maintained.

It is considered that the proposed development is of a scale and design that will ensure that the building will be in keeping with the character and appearance of the area. The use of render to the elevations and grey roof tiles is considered to be reflective of the character of the conservation area and will help to enforce the traditional characteristics of the area. The height and mass of the proposed building on Canon Street will be similar to the existing vacant building on the site, which ensures that the impact of the development on the setting of the neighbouring listed church will not be altered to a significant degree. The proposal to erect a four storey building is therefore considered acceptable given its context within the street scene.

The proposal is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Conclusion

The residential proposal is acceptable as a matter of principle as it is not considered that the loss of the building in the conservation area will be so harmful to the character and setting of the town centre to warrant the refusal of the application. The proposal involves re-development of this vacant building/ site in Aberdare town centre that would contribute to the economic and social growth of Aberdare. The design, scale and massing of the scheme are acceptable in terms of their consequences for the character and appearance of the Aberdare Conservation Area, and there are no other material considerations of overriding concern.

RECOMMENDATION: Grant

1. The development hereby granted consent shall be begun not later than the expiration of five years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.

2. No works of demolition shall commence until such time as full planning permission for the redevelopment of the site has been granted and a contract let for the redevelopment of the application site.

Reason: In order to safeguard the amenity of the Aberdare Conservation Area in accordance with policies CS1, AW7 and NSA1 of the Rhondda

Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0622/10	(PB)
APPLICANT:	Harlech Hygienics Ltd	
DEVELOPMENT:	To provide an extension to existing storage facility and the use of light manufacturing / assembly. To retain existing storage containers as use of office space. To provide limited outside storage of bulky goods.	
LOCATION:	COLLIERS WAY, LLWYNYPPIA, PORTH CF40 2ET	
DATE REGISTERED:	11/07/2013	
ELECTORAL DIVISION:	Trealaw	

RECOMMENDATION: Approve

REASONS:

The proposal is to extend and diversify an established commercial business which occupies a site that lies within settlement limits, therefore is acceptable as a matter of principle. The design of the scheme will not give rise to unacceptable impacts for the character and appearance of the site and surrounds, except the proposed open storage area and cladding of the boundary fencing which would be unduly harmful to visual amenity therefore not agreed and are excluded by conditions. The development will not have undue consequences for highway safety and residential amenity. The proposal is economic development that supports and grows a local business, safeguarding existing jobs and potentially creating new ones.

APPLICATION DETAILS

Full planning permission is sought for the construction of an extension to an existing warehouse/storage building occupied by Harlech Hygienics Ltd on land off Colliers Way, Llwynypia. This is intended to permit the use of the whole building for light manufacturing and warehousing use. In addition it is proposed to make adaptations to existing storage containers adjacent to the building so that they can be incorporated and used as office space, and for limited external storage of bulky items to take place at the site.

The proposed extension would measure 10.2m width by 8.08m in depth by 5.092m in height and would be result in the overall building being roughly L-shaped. The extension would reach the height of the eaves of the existing building, and would be finished either metal or composite cladding to match.

The four existing metal storage containers on the site would be re-positioned alongside the extension and over clad in metal sheeting and adapted for uses as office space and welfare facilities for employees. An area of the forecourt to the building measuring 15.5m by 7.5m is proposed to be used for the external storage of primarily composite panels wrapped in black sheeting to a height not exceeding 2.4m. It is also proposed to screen the site by fixing cladding to the existing boundary fencing. Finally, parking for 6 vehicles will be laid out within the site curtilage.

The existing building has a ground floor area of 81.28 square metres. The extension, office space and welfare facilities will increase the overall floor space of the resulting building to 248.53 square metres. The whole development is for a mixed use involving manufacturing, storage and distribution uses within classes B1 and B8.

The applicant has provided the following additional information in support of the proposal:

'Over the last two years Harlech Hygienic Ltd has been planning to transform its business from that of the supply and installation of cold room panels and doors to that of supply only of PVC decorative panels, imported from Turkey. Harlech has also been working with Affresol Ltd based in Swansea to develop our eco friendly kerb (known as decokerb). Harlech has completed phase 2 of our plans with the introduction of the storage facility at Colliers Way. In order that the company can expand into other potential markets it has the opportunity to start the manufacture of pvc cabinets in the Rhondda and re-locate its office base to Colliers Way. It is estimated that there would initially be 5 full time staff based at Colliers Way. With the junction works already enhanced we envisage no adverse impact on the access road to the site. We anticipate a maximum of 3 vehicle movements per hour based on an 8 hour period. The application will safeguard 5 jobs in Harlech and 2 in Affresol and create 3 jobs initially with a further 2 jobs estimated early 2014.'

The application is reported to Development Control Committee on account of the proprietor/owner of the applicant company being a serving Member of the Council.

SITE APPRAISAL

The site is a flat rectangular area of land located to the north of and accessed from Colliers Way (A4119) roundabout. It is landscaped to its eastern and western boundaries by the tree-lined buffer of the A4119 and the wooded embankment of the River Rhondda. The site is visible from the footbridge and footpath between Trealaw and Tonypany.

PLANNING HISTORY

13/0068	Colliers Way, Trealaw	Removal of Condition 2 of planning	Granted
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		permission 10/0864 to retain the four metal storage containers in the location as highlighted on the submitted block plan for a period of 2 years.	08/05/13
10/0864	Land adjacent Welsh Water Works, Colliers Way, Trealaw	Proposed erection of an industrial unit for class B8 use and the siting of four temporary storage containers for a period of 12 months.	Granted 11/01/11

PUBLICITY

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

No representations have been received from members of the public.

CONSULTATIONS

Transportation Section - no objection.

Land Reclamation and Engineering - no reply.

Public Health and Protection - no adverse comment.

Dwr Cymru/Welsh Water - no reply.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

The application site is unallocated and lies within settlement limits.

Policy AW2 provides criteria to determine whether a site is located in a sustainable location.

Policy AW5 provides criteria against which new development proposals will be assessed in terms of amenity and accessibility considerations.

Policy AW6 provides criteria against which design and place making considerations will be assessed.

Policy AW7 protects sites of historic merit from development proposal that impact on them.

Policy AW10 advises that new proposals would not be permitted should they be considered unacceptable in terms of environmental protection and public health.

Planning Policy Wales

Paragraph 4.10.9 states that the visual appearance of proposed development, its scale and relationship to its surroundings and context are material considerations. Local planning authorities should reject poor building and contextual designs.

Para 7.6.1 encourages Local Planning Authorities to adopt a positive and constructive approach to application for 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 the relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the proposed development

The application site lies within the settlement limits of Tonypany and Llwynypia where development is normally acceptable subject to there being no overriding material considerations to the contrary. The development of the site for the purposes of storage and distribution use within Class B8 has previously been considered and approved under the original planning application (reference number 10/0864) and is therefore established. The present proposal will more than double the floor space area of the building on the site and extend the use to light industrial and assembly purposes within Class B1, but uses within this Class are by definition not ones that cause nuisance arising from noise, dust, smells and such like. As a matter of principle, therefore, the development does not conflict with the provisions of the Local Development Plan. Moreover, the proposal is economic development that supports and grows a local business, safeguarding existing jobs and potentially creating new ones.

Design, character and appearance

Although the proposed extension will significantly increase the size of the overall building it is in keeping with the scale and finishes of the existing building and is considered acceptable. Likewise, the re-siting, incorporation and adaptation of the steel storage containers for use as office space will significantly improve their appearance and relationship to the building as extended. However, there are two elements of the proposal that require careful consideration. Firstly, the proposal to create an open storage area covering an area of 116 square metres is likely to detract from the visual appearance of the site and its surroundings and was specifically excluded by a condition attached to the original planning permission for the development of this land. Secondly, the proposal to add cladding to the

perimeter fence to visually screen will create a very stark image that will detract to an unacceptable extent from the visual amenity of the site and its surrounds which are overlooked by a public right of way and can be seen from nearby residential dwellings. Consequently, in the event planning permission is granted it is suggested that external open storage and cladding of the boundary fence are not agreed and excluded by means of appropriately worded conditions.

Highway safety considerations

This development is likely to intensify traffic movements to and from the access off the roundabout on the Tonypany By-pass, which has been the source of some expressions of highway safety concerns by the Transportation Section in relation to previous planning application proposals. However, as part of the previous planning permission for the development of the site, highway improvements was required that has since been implemented. The Transportation Section estimated, on the basis of floor space of the proposal and from the information supplied the applicant, that the overall development will result in a trip movement once every 20 minutes, which is not sufficient to warrant highway objections. Accordingly, in this regard the proposal is acceptable.

Residential amenity

The application site does not adjoin any residential properties but is overlooked to an extent from the rear of dwellings to the east of the By-pass and railway line in Trealaw, especially in winter when the trees that flank the site are not in leaf. Given the physical distance that separates the nearest dwellings from the site and the presence of an intervening By-pass and railway, it is considered the development is unlikely to pose a significant risk of nuisance to residents from noise, dust and smells. In any event, a light manufacturing and assembly use in Class B1 is by definition one which will not give rise to such issues therefore capable of co-existing in close proximity to residential properties without causing undue harm to living conditions.

OTHER ISSUES

None.

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 Section 92 of the Town and Country Planning Act 1990.

2. Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in

writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

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

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

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

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

5. Notwithstanding the plans hereby approved there shall be no outside storage whatsoever on the site unless other agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the plans hereby approved details of any alterations, including the addition of cladding, to the boundary fencing shall be submitted to and approved in writing prior to the commencement of development on site.

Reason: To protect the visual amenity of the area in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The premises shall be used for purposes within Classes B1 and B8 of the

Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In order to safeguard the amenity of the occupiers of residential properties in close proximity to the site in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0623/01	(PB)
APPLICANT:	Harlech Hygienics Ltd	
DEVELOPMENT:	Office notice sign, road sign from Colliers Way and general Company sign on side of building.	
LOCATION:	COLLIERS WAY, LLWYNYPPIA, PORTH CF40 2ET	
DATE REGISTERED:	11/07/2013	
ELECTORAL DIVISION:	Trealaw	

RECOMMENDATION: Approve

REASONS:

The proposal is for two non-illuminated business signs to be erected on the building at the site and one to be placed on the roadside close to the site access. The advertisements are proportional in scale and not visually obtrusive, therefore will not harm visual amenity and public safety, though the road sign is required to be located outside of the maintainable highway to avoid unduly distracting motorists.

APPLICATION DETAILS

Express consent is sought for the erection and display of three non-illuminated business advertisement signs at Harlech Hygienics, off Colliers Way, Llwynypia. The details are as follows:

Signs 1 and 2 (height 1.2m x width 2.4m) to be erected towards apex of gable of main building and next to office window comprising company logo and trade marks of proprietary panel products.

Sign 3 (height 1m x width 1m) to be erected on road side at site access displaying company logo.

The application is reported to Development Control Committee on account of the owner/proprietor of the applicant company being a serving Member of the Council.

SITE APPRAISAL

The site is a flat rectangular area of land located to the north of and accessed from Colliers Way (A4119) roundabout. It is landscaped to its eastern and western boundaries by the tree-lined buffer of the A4119 and the wooded embankment of the River Rhondda. The site is visible from the footbridge and footpath between Trealaw and Tonypandy.

PLANNING HISTORY

13/0068	Colliers Way, Trealaw	Removal of Condition 2 of planning permission 10/0864 to retain the four metal storage containers in the location as highlighted on the submitted block plan for a period of 2 years.	Granted 08/05/13
10/0864	Land Adjacent Welsh Water Works, Colliers Way, Trealaw	Proposed erection of an industrial unit for class B8 use and the siting of four temporary storage containers for a period of 12 months.	Granted 11/01/11

PUBLICITY

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

No representations have been received from members of the public.

CONSULTATIONS

Transportation Section - no objection.

POLICY CONTEXT

Rhondda Cynon Taff Local Development Plan

Planning Policy Wales

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 the relevant policies in the plan should

not be allowed, unless material considerations justify the grant of planning permission.

As in the case of all applications for advertisement consent the issues consequences of the proposals for public safety and for visual amenity.

The advertisements proposed on the exterior of the buildings are proportional to the scale of the building and will not be visually obtrusive, especially as they are non-illuminated and the buildings are separated from the nearest dwellings and rights of way by a significant distance. No representations have been received from members of the public.

Moreover, the advertisements on the buildings pose no risk to highway safety. The Transportation Section has recommended that the road sign, however, should not be erected within the public maintainable highway to avoid distracting highway users and a condition is suggested to this effect. Subject to the above there is no highway objection to the proposals.

OTHER ISSUES

None.

RECOMMENDATION: Grant

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

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

2. 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.

3. 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.

4. 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.

5. No advert is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

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

6. Any existing advertisements on the premises shall be permanently removed prior to the display of the advertisements hereby approved.

Reason: To avoid visual clutter.

7. No sign shall be erected within the public maintainable highway or illuminated such it causes undue glare or distraction to highway users.

Reason: In the interests of highway safety.

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APPLICATION NO: 13/0705/10 (DB)
APPLICANT: Mr E H Davies
DEVELOPMENT: Erect 40.5 metre high anemometer mast for a temporary period of 18 months.
LOCATION: LAND APPROXIMATELY 550 METRES SOUTH OF MAES MAWR, TONTEG, PONTYPRIDD CF38 1SL
DATE REGISTERED: 10/07/2013
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Approve

REASONS: The principle of the development is considered acceptable and is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on nature conservation and existing landscape features, visual amenity, highway safety and rights of way.

APPLICATION DETAILS

The application seeks permission to erect a 40.5 metre high anemometer mast to measure wind and weather on land at Mynydd Penygraig. The permission sought is for a temporary period of a maximum of 18 months in order to collect up to date wind data in connection with a potential future wind energy generation scheme in this location.

The proposed development consists of a 40.5 metre high monopole slim column structure with anemometers positioned at heights of 30m and 40.5 metres. Bird diverters would be attached at regular intervals along each outer guy wire. The mast would be supported by high tensile guy wires secured to the ground at four anchors points bolted to the ground between 18 – 25m from the base of the mast.

The mast structure is constructed of 152mm diameter of galvanised steel tubing. The mast would include meteorological equipment which would be battery operated.

The type of monopole mast has been chosen, rather than an alternative lattice style mast in order to minimise its visual intrusion.

The applicant advises that no specialist vehicles will be needed to install the mast, as the column is modular and would be delivered in sections which are assembled on site. No specialist access tracks will be required for vehicular movements on site as use would be made of the existing access to Maes Mawr Farm and access through the existing fields by a single four wheel drive vehicle. The erection of the anemometer would take one day and once installed visits would be infrequent and associated with routine maintenance.

A Design and Access Statement accompanies the planning application.

SITE APPRAISAL

The application site is located on an agriculturally improved field at Maes Mawr Farm, and lies approximately 500m south west of Maes Mawr Farm house and 300m east of the Church Village Bypass. The site lies at a height of approximately 100m A.O.D., and is located in the countryside, and forms part of a large undulating field. An electricity pylon is located approximately 100m to the north west of the site.

The proposed access to the mast would cross over a number of public rights of way, known as Llantwit Fardre 46, 47 and 51 and within the Willowford Site of Importance for Nature Conservation (SINC 161), as defined in the Rhondda Cynon Taf Local Development Plan.

The site is served by an existing lane to Maes Mawr Farm and farm track.

PLANNING HISTORY

There is no planning history on the site.

PUBLICITY

The application has been advertised by means of a press notice, site notices and neighbour notification. No responses have been received.

CONSULTATION

Countryside Section – raises no objections subject to conditions to secure precautions for the public rights of way, existing nature conservation and landscape features and secure restoration details. No relevant SewBrec records of statutory Protected Species from immediate vicinity.

Public Health and Protection – raises no objections.

Transportation Section – raises no highway objections.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan (LDP)

The application site is situated in the open countryside, outside Strategic Search Area F (SSAF) and the proposed access route lies within the Willowford Site of Importance for Nature conservation SINC 161 (Policy AW8.161) and Sandstone Resource Area (Policy AW 14.2) as defined in the LDP.

Policy AW8 seeks to protect SINC's, and features of the natural environment from inappropriate development.

Policy AW12 supports development proposals which promote the provision of renewable energy where it can be demonstrated there is no unacceptable effects.

Policy AW14.2 safeguards resources of sandstone from development which would unnecessarily sterilise them or hinder their extraction.

National Guidance

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

Planning Policy Wales Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), and Chapter 12 (Infrastructure and Services) 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's (TAN) 5 (Nature Conservation and Planning) and 8 (Planning for Renewable Energy). The site is located outside of TAN 8 Strategic Search Area F.

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

Impact on nature conservation, landscape features and public rights of way, Impact on visual amenity.

Principle of the proposed development

The proposal involves the provision of an anemometer mast, 40.5 metres high, over an 18 month period, for the testing of wind speed and direction, which is a precursor to a potential wind energy scheme. Renewable energy schemes are supported by policy in principle for economic reasons and for their contribution to meeting the challenges of climate change, by both national and local planning policy, subject to criteria.

It is therefore considered that the principle of the proposed development is acceptable.

Impact on nature conservation, landscape features

The proposed mast would be located on an agriculturally improved field at Maes Mawr Farm and due to the method to be used in securing the mast, there would be minimal impact and an extremely small footprint involved with the proposed development.

The proposed access would be located within a grazed woodland area (SINC 161) and may potentially effect an existing hedgerow. However, the applicant has confirmed that the access would utilise existing field gates, no trees or hedgerows would be effected by the proposed access and that the vehicle for construction purposes would be similar to that normally associated with activities at the farm. The Council's Ecologist has raised no objection subject to conditions to secure precautions for the existing nature conservation and landscape features and to secure restoration details.

It is therefore considered that in view of the small scale nature of the proposed development, and the imposition of conditions as recommended by the Council's

Ecologist, the proposal would comply with national and local planning policies in respect of its impact on existing nature conservation and landscape features.

Highway Safety and public rights of way

The site would be served by an existing highway, farm track, and farm land which in the applicant's view are suitable to serve the proposal. The applicant states that the development does not require the use of specialist vehicles as the mast would be transported in small sections by one vehicle for assembly on site. The lane only appears to serve scattered farms and therefore generates little traffic. Moreover, once installed the proposed meteorological mast will generate little additional traffic for the purposes of the collection of data and maintenance. It is considered therefore that in view of the scale of this temporary development, in terms of the type and volume of traffic generated, the scheme is acceptable in highway terms.

The access along the farm track and within farm land does cross a number of public footpaths and the Council's Public Rights of Way Officer has raised concerns about the potential effects on public safety (as the routes are all well used) and the potential for damage to the physical condition of the public footpaths, at a time soon after they have recently been upgraded. It is considered that in view of the limited timescale and traffic likely to be generated by the proposal, conditions to require a method statement for construction and restoration details should be sufficient to minimise impacts on the public rights of way and their users.

Impact on visual amenity

As stated above, the application site is located in the countryside, within farmland of Maes Mawr, Tonteg. The proposed siting of the mast, set back from any local views on an undulating surface should ensure that the impact over the course of its temporary deployment will be minimal, and in the most part viewed from long distances. Nevertheless, it is considered that the introduction of a man-made structure, 40.5m high in galvanised steel, in such a location, would inevitably have an impact on the visual appearance of area. It would be clearly visible from surrounding viewpoints including the nearby Public Rights of Way. Whilst such an installation would inevitably detract to a certain extent from the character of the countryside, such impact is mitigated by the slenderness of the mast and guys and its temporary nature. The greatest impact would undoubtedly be from short distance views but the effect would significantly diminish when seen from distant vantage points.

It is therefore considered that the proposed scheme complies with national and local planning policies in respect of its impact on visual amenity.

OTHER ISSUES

The following other material consideration has been taken into account in considering the application, though was not the key determining factor in reaching the recommendation:

Sandstone Resource

The access to the site is located within a Sandstone Resource area, which is safeguarded from development which would unnecessarily sterilise or hinder its extraction by Policy AW14.2 of the LDP. However, given the abundance of the Sandstone resource in Rhondda Cynon Taf, the very limited footprint of the mast, and its temporary nature, it is considered the proposal would not conflict with the purpose of the LDP policy.

Conclusion

In conclusion, given national planning guidance and that the proposal is a slim, lightweight temporary structure and would thus not result in a significant adverse visual impact to the landscape, or to the nature conservation value of the site, or pose an unacceptable risk to the safety of users of the highway, and Public Rights of Way, the application is recommended for a temporary permission.

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 removed from the site no later than 18 months from the date of the commencement of the development and the site restored in accordance with the details and a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: The development is of a temporary nature and not suitable for retention on a permanent basis in this location; and to secure the proper decommissioning of the development proposal.

3. Prior to the commencement of the development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a scheme for the timing and protection of the nearby landscape features and Public Rights of Way, and include the following matters:-

- Measures to ensure that the Public Rights of Way are maintained with no obstruction to use and public safety,
- Measures to prevent any damage to Public Rights of Way from constructional activity at the site,
- A plan to show how existing landscape features (trees and

hedgerows) will be avoided,

- Details of any soil storage and re-use and the provision of any means of temporary site illumination,

All construction activities and the development shall be carried out in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise environmental impact in the vicinity of the application site in accordance with policies AW8 and AW12 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0721/10 (MJ)
APPLICANT:	Persimmon Homes East Wales
DEVELOPMENT:	Demolition of one existing dwelling (Fairholme) and redevelopment of the site to provide 53 dwellings with ancillary car parking, open space, access arrangements and landscaping (Amended Plans Received 25th September)
LOCATION:	LAND OFF CARDIFF ROAD TO THE SOUTH OF ST LUKE'S AVENUE, RHYDYFELIN, PONTYPRIDD, CF37 5LG
DATE REGISTERED:	16/07/2013
ELECTORAL DIVISION:	Hawthorn

RECOMMENDATION: Approve

REASONS:

The proposal is in keeping with policies SSA1, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of scale, layout, design and its impact on the residential amenity of surrounding properties as well as highway safety.

APPLICATION DETAILS

The application seeks full planning permission to redevelop land off Cardiff Road, to the rear of the properties of St Luke's Avenue, to provide 53 dwellings with ancillary car parking, open space, access and landscaping.

The proposed dwellings will comprise a mixture of detached, semi-detached and linked/ terraced properties and will be between 2 and 2.5 storeys high. The proposal

includes the provision of 11 affordable units as well as a large area of open space along the river frontage.

The scheme includes a range of different house types, including 4 one bedroom apartments, 13 two bedroom houses, 12 three bedroom houses, 24 four bedroom houses and 3 five bedroom houses. Of these 11 one and two bedroom units are affordable (social rent and low cost ownership).

The properties would all be 2 – 2.5 storeys in height, each with their own private amenity space being provided in the form of an enclosed rear garden. It is proposed that the dwellings be constructed with a range of materials, with a mix of facing brick and cream/ ivory render. All dwellings would have smooth grey finish roof tiles with either grey or terracotta ridge tiles.

The layout has been developed to respond to the existing site features and the context of the immediate area. The properties (plots 2 to 6) in the northwestern area of the site will be orientated to reflect the layout of Nant y Dall Avenue along the vehicular access route into the site. The properties along the southern area of the site will be orientated so that they overlook a landscaped buffer and the River Taff to the far south. The site layout also includes a potential point of access (either vehicular or pedestrian) to the land, which lies immediately to the east of the application site which benefits from planning permission for residential development.

The proposal involves the demolition of an existing property (Fairholme) to allow for access into the site from Cardiff Road. The access will follow the boundary with St Luke's Church and will extend through the southern area of the site, between the area proposed for housing and the landscaped buffer along the southern boundary.

Parking for each of the properties would be provided largely within each of the plots by the provision of off-street parking spaces and detached/ integral garages. However, parking for plots 40, 41 and 45 will be provided within parking courtyards to the rear of plots 40 and 41. The proposal also indicates that the existing access to the rear of the properties of Nant y Dall Avenue will be maintained through the introduction of cross-overs where the lane will be reconfigured.

As noted above, a landscape buffer would be provided along the southern section of the site (adjacent to the River Taff). The layout also details the provision of a footpath within this area.

The application is accompanied by:

- Planning Statement
- Design and Access Statement
- Flood Consequence Assessment prepared by Waterman
- Ecological Assessment Reports (tree survey, bat surveys, reptile survey and extended phase 1 habitat survey).

- Transport Statement

SITE APPRAISAL

The application site is a broadly rectangular parcel of land, measuring approximately 1.87ha in area. The site is currently vacant and adjoining the site of Alexon House, a former clothing factory with an associated retail sales outlet which has recently gained planning permission for residential development. The site predominantly comprises scrubland and contains a number of derelict buildings. An existing dwelling, Fairholme is also located on the site is to be demolished as part of the scheme to provide the access to the site.

The latest flood maps from Natural Resources Wales indicate that the site is located within zone A (i.e. at no risk of main river fluvial or tidal flooding) with small areas of the south of the site located within the fringes of zone C2.

To the north the site is bounded by the rear of properties of St Luke's Avenue off Cardiff Road, the main road through the village of Hawthorn. Vehicular access is currently located toward the eastern extent of the site directly off Cardiff Road along a lane to the rear of the properties of Nant y Dall Avenue. The far south of the site remains undeveloped and is covered by a range of vegetation and a number of mature trees. The site is predominantly level, particularly along the northern and central sections, at the far south of the site, the land falls toward the level of the River Taff, which bounds the site.

The surrounding area is predominantly residential, being characterised by a variety of different building styles. Properties which front Cardiff Road vary between large bay fronted semi-detached properties and smaller traditional terraces, whilst there are also a number of modern bungalows in the area.

PLANNING HISTORY

Previous relevant planning applications that have been made on the site are as follows:

12/0984	Glan Afon, land east of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	3 Detached Dwellings including new vehicular access and demolition of existing dwelling.	Conditions 20/12/12
12/0314	Plot 1, Glan Afon, land rear of St Luke's Church, Rhydyfelin, Pontypridd.	Plot 1 - 1 Detached Dwelling (application amended to full planning application and amended plans received on 25/04/12)	Withdrawn 30/08/12

12/0006	Land adjacent to 'Silverdale', End of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	One detached dwelling (approval of reserved matters - outline application reference 11/0027/15).	Conditions 01/03/12
11/1470	Plot 3, Glan Afon, rear of St Luke's Church, Rhydyfelin, Pontypridd	Detached dwelling (Reserved Matters Application in relation to application 11/0412) (amended location plan received 21/06/12 including turning area).	Conditions 26/07/12
11/0412	Glan Afon, rear of St Luke's Church, Rhydyfelin, Pontypridd.	3 detached dwellings with detached garages including amended vehicular access to site.	Conditions 30/06/11
11/0027	Land south of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd	Variation of Condition 1(c) by renewing expiration of 3 years from the date of approval of planning permission 07/1332/13, Granted on 26/02/08.	Conditions 23/03/11
07/1332	Land South of Nant-Y-Dall Avenue, Rhydyfelin, Pontypridd.	One detached dwelling. (Outline) (Amended location plan received 11/01/08)	Conditions 26/02/08
05/0208	Land south of Nant Y Dall Avenue, Rhydyfelin, Pontypridd.	Proposed one detached dwelling (Outline)	Refused 01/04/05
05/0112	Land rear of Nant Y Dall Avenue, Rhydyfelin, Pontypridd.	Proposed residential development (outline)	Withdrawn 07/03/05
93/0854	Off Cardiff Rd, Hawthorn, Pontypridd	71 No. dwelling units.	Withdrawn 23/09/97

93/0733	Land adjacent to Alexon House, Hawthorn, Pontypridd	Residential Development (outline application)	Conditions 20/12/93
75/708	Land adjacent to 39 Nantydall Avenue, Rhydyfelin, Pontypridd	Proposed access to public open space	Conditions 30/07/75

PUBLICITY

The application has been advertised by direct neighbour notification letters, site notices were posted in the immediate area and a notice was published in the local press.

A total of 7 residents (including St Luke's Church) have sent letters in response to the advertisement of the planning application (in relation to the original and amended plans), these are summarised as follows:

Amenity

- Concerns are raised regarding the proximity to some of the proposed dwellings to the rear boundaries of the properties of St Luke's Avenue and the impact this will have on light and overshadowing.
- Concerns are raised in relation to loss of privacy as a result of the proposed development.
- Raise objections to the level of provision of open space for children within the site.
- Concerns are raised that the development will cause more traffic which will cause noise and disturbance through the increased comings and goings along the access.

Access and Highway Safety

- Concerns that the proposed development will restrict access to the lane to the rear of Nant y Dall Avenue and that the lane will be blocked off.
- Comments that the residents would like the lane to the rear of Nant y Dall Avenue to be widened along its length.
- Concerns that the planting proposed along the new vehicular crossovers will restrict access to the driveways proposed.
- Concerns are raised with regard to the safety of the siting of the access.
- Concerns raised regarding the safety of the access for pedestrians with particular regard to school children.

- The proposal will exacerbate existing parking problems in the area in particular having regard to the number of developments that would have access off Cardiff Road.
- It is stated that when an accident occurs on the A470, all traffic is diverted to Cardiff Road, making this a very busy route.
- Comments that the number of off-street parking spaces proposed is excessive and there is no mention of disability spaces.
- Concerns if the proposal site and the adjoining Alexon House site were to join the vehicular access point, that this would increase traffic flows to an unbearable level.

General

- Comments that the site does not constitute a brownfield site as the majority of the land has not been previously developed and the proposal will result in the loss of the last green space left in Hawthorn.
- Comments that only the previously developed/ derelict part of the land should be developed for housing and the scale of the development should be reduced.
- The site has previously been available to the public for walking and accessing the river before the fencing was erected.
- Comments that residents are unaware of the consultation carried out by Persimmon Homes.
- Concerns raised regarding the impact of the proposal on the ecology of the site where the developer has recently cleared the whole site of vegetation including treating Japanese Knotweed.
- Concerns have been raised regarding the fact that the proposal site is within the river Taff floodplain and it is not suitable for residential development. There are problems with drainage on the existing site which impacts existing residential properties.
- Comments on the proposed boundary treatment with St Luke's Church – *the amended plans show a 1.8m high brick wall along the boundary between the access road and the Church which the Parish Priest has confirmed they are satisfied with.*
- Concerns that the area is being crammed with new homes and there is no need for new housing in the area due to the other developments that are underway at the moment.
- Objections to further residential development in the area due to the impact it would have on the education system which is under pressure and at capacity.
- Comments have been received regarding a historic legal dispute between the Council and a local resident where the Council had originally planned to develop the land in 1965 for the provision of playing fields/ open space. The comments would question the approval of residential development on the land as the original position was in favour of developing the land for playing fields.
- Comments that the Japanese Knotweed should be eradicated from the site and from the site boundaries.

CONSULTATION

Transportation Section – no objections subject to conditions. It is also noted that based on the requirements of the Council's Planning Obligations SPG, the development would generate a transport tariff.

Public Health & Protection – no objections subject to conditions and informative notes relating to hours of construction, dust suppression measures, disposal of waste, etc.

Land Reclamation & Drainage – consultation with Natural Resources Wales is recommended along with a number of conditions, including the submission of a full drainage scheme to the local planning authority for approval.

Housing Strategy Unit – no objections – as the proposed development is for 53 residential units, 11 units of affordable housing should be secured by legal agreement. It is commented that the number and mix of units proposed is acceptable.

Education – no objections subject to a financial contribution to provide for additional school places in accordance with Supplementary Planning Guidance.

Environmental Services (Parks) – a contribution toward the upgrading of existing outdoor recreation and play facilities in the Hawthorn area is requested in accordance with the requirements of the Supplementary Planning Guidance.

Countryside, Landscape and Ecology – no SewBrec records of statutory protected species have been found for the immediate vicinity. No objections have been raised subject to recommended conditions, including the following requirements:

- Wildlife Protection Plan
- Details of measures to reduce the impacts of light fall from site lighting onto adjacent SINC
- Landscape Mitigation Plan

This has identified that the site is primarily an area of tall vegetation (dominated by Himalayan Balsam), scattered trees and bushes and some derelict buildings. The bat surveys have found that none of the buildings or trees on site have been found to support roosting bats, although bats are using the site as foraging habitat and as route between St Luke's Church and the riverbank. Reptile/amphibian work has identified populations of common lizard, slow worm and toad on the site.

The scrub vegetation is nesting bird habitat and given the proximity of the adjacent River Taff sensitive site lighting treatment is needed to protect the riparian corridor

and precautionary working measures to exclude otter from the construction area are a recommendation of the Ecology reports.

Wales & West Utilities – no objections raised.

South Wales Fire & Rescue – the developer is advised to consider the need for the provision of adequate water supplies on site for fire fighting purposes and access for emergency fire fighting appliances.

Dwr Cymru/ Welsh Water – no objections subject to conditions. It is noted that a water main is located within the access lane that bounds the rear of Nant y Dall Avenue. It is commented that no development will be permitted within a 3-metre protection zone of this water main.

Natural Resources Wales (NRW) – no objections subject to conditions. The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The flood consequences assessment demonstrates that the proposed housing is situated outside the extreme flood event area in accordance with the requirements of TAN15.

NRW are also satisfied with the information submitted regarding European Protected Species and do not require any further survey work to be carried out in respect of bats. A condition to restrict light spill towards the river corridor is also recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within settlement limits

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

Policy AW1 - sets out the requirements for new housing development and the methods by which the provision of new housing will be met. AW1.3 refers directly to the development of unallocated land within the defined residential settlement boundaries of principal towns, key settlements and smaller settlements.

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

Policy AW4 – refers to Community Infrastructure & Planning Obligations. It states that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities, infrastructure and related works, to make the proposal acceptable in land use planning terms.

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 SSA11 – refers to housing density.

Policy SSA12 – refers to affordable housing.

Policy SSA13 – sets out the criteria for the consideration of development proposals within settlement boundaries.

National Guidance

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

Planning Policy Wales (PPW) Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), 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 2: Planning and Affordable Housing;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings.

REASONS FOR REACHING THE RECOMMENDATION

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

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

The site is within the settlement boundary of Hawthorn and Rhydyfelin and is unallocated, where the principle of residential development is considered acceptable subject to certain criteria. As detailed above, the scheme seeks to develop the site for 53 dwellings.

The key considerations in the determination of this application are whether the principle of residential development upon the site is acceptable, the potential impact

of the development upon the privacy and amenity of neighbouring properties, the effect on the character and appearance of the area, the impact of the proposal on highway safety and the impact on ecology and biodiversity.

Principle of development

The application site consists of a large area of scrubland containing a couple of derelict residential bungalows, forming part of the village of Hawthorn. Under the provisions of the Local development Plan, the site relates well to the principal town of Pontypridd, is within settlement boundaries and is unallocated. In this respect it is considered that the principle of the development of the site for residential purposes is compliant with national and local planning policy objectives, which encourage the re-use of previously developed land. It is also considered that the site is in a sustainable location, within an existing suburban settlement that has good public transport connections.

With regard to objections raised on whether the land should be developed as much of it is not previously developed (brownfield) land, whilst the loss of this area of open space is regrettable, the site is unallocated within the Local Development Plan and is considered to be appropriate for residential development as it is within settlement limits, adjoining existing areas of residential development.

Overall, it is considered that the development of the site for residential purposes is in accordance with national and local planning policy, in particular, policy CS2, which seeks to promote sustainable growth in the Southern Strategy Area. As such, in policy terms, the proposal is considered acceptable in principle.

Character and Appearance

The proposed scheme is for a total of 53 houses, arranged around a simple road layout. The scheme takes account of the site's characteristics and context and as a result, the layout is successful in creating frontages along the River Taff landscape area to the south and mimicking the existing pattern of development along St Luke's Avenue and Nant y Dall Avenue. The southern extent of the site is defined by a landscape buffer, which adjoins the River Taff. This feature follows on from the landscape buffer that was approved as part of the housing scheme for the adjoining site occupied by Alexon House.

The proposed layout incorporates a protection zone to create an attractive landscape area along the southern proportion of the site. Houses within the southern area of the layout have then been orientated in order that they overlook this area. Elsewhere within the site, the layout provides an internal network of connected streets and footpaths, which are overlooked by surrounding houses. Furthermore, it is considered that the configuration of roads and footpaths provide direct and legible routes between Cardiff Road and the riverfront, for both vehicles and pedestrians, as well as between the two adjoining housing sites should the need arise in the future.

Turning to the scale, design and appearance of the development, the proposal is for traditional two and two and a half storey housing with integral and single storey detached garages. The scheme incorporates a variety of house types, these range from one bedroom apartments and 2 bedroom houses, to large four and five bedroom properties with double gable features and accommodation within the roof space.

The area surrounding the application site is characterised by a wide of range of housing types constructed in a variety of materials. These range from traditional stone fronted terraces, to large bay-fronted semi-detached properties and modern detached dwellings to blocks of flats. As such, it is considered appropriate to utilise a range of finishing materials within the proposed development. Dwellings would be finished in either, facing brickwork or coloured render, with grey tiled roofs. It is considered that the palette of materials presented is appropriate and would create an identifiable character within the site, whilst respecting the character of the surrounding area.

As noted above, the layout proposes 53 dwellings, which equates to a density of approximately 28 dwellings per hectare. Whilst it is acknowledged that this falls below the standard set out in SSA11, this policy does provide criteria for the assessment of lower density levels. In this instance a lower density is considered appropriate, since it is necessary for both ecological and landscape reasons to retain an undeveloped landscape buffer along the southern section of the site. Whilst this area would remain undeveloped, it would present an efficient use of the land as informal amenity space.

Overall, it is considered that the layout of the site and scale and appearance of the dwellings proposed is successful in identifying and responding to the various site constraints and context of the wider area. As such, it is considered that the development would contribute positively to the character and appearance of the area.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies SSA1, AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

With reference to the impact of the proposal on the residential amenity of surrounding properties and objections raised, it is considered that the layout of the development is such that it ensures that overlooking between habitable room windows will be kept to a minimum.

Given that the site lies within an established residential area, it is important to consider the potential impacts of the layout upon the levels of amenity and privacy currently enjoyed by the occupiers of neighbouring residential properties. It is

considered that the properties closest to the site, on St Luke's Avenue and Nant y Dall the main streets to be affected by the development.

It is noted a number of residential properties along St Luke's Avenue will share a boundary with the application site and have objected on grounds of amenity, however, the site layout has been designed with a view to limiting the potential impacts. For example, a separation distance of approximately 21.5 metres would be achieved between the rear elevation of the existing 3 St Luke's Avenue and the side elevation of the dwelling on plot 43, with landscaping to be planted along the boundary. No habitable room windows are proposed in the side elevation at first floor for plot 43. It is therefore considered that the development will not result in a loss of privacy to the property, and whilst it is acknowledged that the dwelling on plot 43 will cast a shadow on the garden of 3 St Luke's Avenue, the loss of light to the garden will not be so significant as to warrant the refusal of the application.

Similarly, with separation distances of between 25 and 30m between the proposed dwellings along the boundary to the rear of the other properties of St Luke's Avenue and existing dwellings, it is not considered that any of these occupiers would be adversely affected by the proposed development to a degree that would warrant the refusal of the application. Similar separation distances are maintained between the proposed dwellings and the existing properties of Nant y Dall Avenue.

Within the site itself each of the plots benefits from its own private garden area, with the layout ensuring reasonable separation distances are maintained between the proposed dwellings.

With regard to objections raised regarding the impact of the additional traffic on the amenity of existing residential properties, it acknowledged that the level of vehicular traffic to the rear of the properties of Nant y Dall Avenue will increase, however due to the alterations proposed to the rear lane, taking it further away from the rear boundaries of these properties, it is not considered that any noise and disturbance which may occur would be so detrimental as to warrant the refusal of the application on these grounds.

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal, however a number of conditions are specified. Matters relating to potential for disturbance resulting from construction traffic and general on site activities during the course of the construction of the application have also been raised, as such conditions to restrict the hours during which construction operations may be undertaken are also suggested. Whilst it is inevitable that any redevelopment of the site would lead to noise and disturbance to adjacent properties during the construction stage, it is considered that such impacts could be minimised by the imposition of appropriate conditions. Overall, it is not considered that the temporary impacts experienced during the period of construction would be so great as to warrant the refusal of the application.

With regard to the objection raised in relation to the provision of open space within the site for children, the applicant has agreed to make a financial contribution towards off-site play/ recreational facilities in the local area. Whilst it would be desirable to have a play area on site, the Council's Parks Section has confirmed that an off-site contribution is acceptable. It is also noted that the landscaped area along the southern boundary of the site will be available for use by the public and is considered to make a positive contribution to the well being of local residents.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties adjacent to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety and objections raised, the Council's Transportation Section has raised no objections to the application subject to conditions.

In this regard, it is proposed that the development would be served by a single point off access from Cardiff Road. The submitted drawing TP-01 Rev. J shows that this access is to be 6m in width with junction radii of 3.5m off Cardiff Road and incorporates a 2m wide footway along its eastern boundary leading into the site which is considered acceptable. The visibility at the junction can achieve the standard of 2.4m by 40m in each direction for a 30mph speed limit in compliance with Manual for Streets which is also considered acceptable.

Raised junction plateaux are to be created at the side roads with a raised carriageway on the road bend adjacent to Plot 18 within the development as traffic calming features to reduce vehicle speeds to 20mph within the layout which is considered acceptable.

It is acknowledged that following the advertisement of the application, one of the key areas of concern highlighted by residents relates to issues of highway safety, most notably, the position of the principal access to the site and the levels of car parking provision within the site. As such, the application and accompanying Transport Statement were referred to the Council's Transportation Section for consideration. Having assessed the information presented, the Transportation Section raise no objection to the proposal, subject to the imposition of a number of conditions.

A further point of concern expressed by residents relates to the potential for the principal access to compromise their ability to utilise the lane to the rear of Nant y Dall Avenue and in turn the potential safety implications of increased on-street parking along the surrounding streets. The applicant has indicated however in the amended plans, that vehicular access will be maintained to the properties of Nant y Dall Avenue by the introduction of driveways at the points where the lane will be

reconfigured. The lane itself will be reconfigured to include the new access off Cardiff Road and the lane will still be fully accessible from the new access road and will not be blocked off.

The proposal is therefore considered acceptable in terms of its impact on highway safety and is in keeping with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Ecology and Landscaping

With regard to the impact of the proposal on habitats and biodiversity on the site, the ecological survey/assessment has concluded that site is of relatively low ecological value, dominated by Balsam (with some Japanese Knotweed). The site isn't in a Site of Important Nature Conservation (SINC) however, the adjacent River Taff is part of SINC 142 and having regard to the ecological work submitted it is considered that the applicant has demonstrated that the site doesn't appear to have any over-riding ecological constraints and that sufficient ecological survey work has been completed.

One of the conclusions of this assessment was that the detailed scheme should incorporate a protection zone along the River Taff. This is detailed within the current submission and landscape plans.

The application is also accompanied by detailed landscape proposals, tree survey and a landscape design statement, specification and management plan. This document sets out the design objectives for the internal landscape of the site and the peripheral landscapes on the site boundaries.

The scheme is designed in order that following its completion residents will be responsible for their own private gardens and spaces. Public landscape areas will be managed by a suitability-qualified contractor, appointed by the developer, in accordance with the management specification. Following their assessment of the application and landscaping scheme, the Council's Landscape and Ecology section, raise no objections to the development and it is considered that the proposal is in keeping with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

OTHER ISSUES

With regard to objections raised regarding the location of the site within the floodplain, the application was accompanied by a flood consequences assessment which has been reviewed by Natural Resources Wales. They have confirmed that the flood consequences assessment demonstrates that the proposed housing is situated outside the extreme flood event area in accordance with the requirements of TAN15 and therefore no objections have been raised.

In terms of objections submitted which raise concerns regarding the local schools capacity in the area in relation to the proposed development, the Council's Education

Department has raised no objections to the proposal subject to a financial contribution for primary school places. It is considered that this contribution will offset any pressure the proposed development may cause to the education system in the area.

Conclusion

Taking all of the above considerations into account it is concluded that the proposed development amounts to an acceptable scheme which accords with relevant policies of the Rhondda Cynon Taf Local Development Plan. The application proposal is considered acceptable in terms of its compatibility with the character of the immediate area, its impact upon highway safety and its potential impact upon the privacy and amenity of neighbouring dwellings. Therefore, it is recommended that approval of full planning permission be granted subject to the conditions specified below.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

It is noted that through the course of the application, consultation with a number of statutory consultees has generated requests for the applicant to enter into a Section 106 agreement. It is suggested that the financial contributions requested would potentially enhance the quality of the development and off set any potential detrimental impact upon local facilities and the environment. Following lengthy discussions with the agent agreement has been reached on the terms of the agreement and the commuted sums required, which are set out below.

- Education - a contribution of £183,355 for primary school spaces on the basis of 48 eligible dwellings.
- Transport - a contribution of £118,816 as a Transport Tariff in accordance with the Supplementary Planning Guidance.
- Countryside & Leisure (Parks) - a contribution of £70,000 toward play/recreational facilities in the local area based on the need for a complete local equipped area for play (LEAP) and a commuted sum of £15,000 for future maintenance.
- Provision of 11 affordable housing units on the site as shown on the layout plan.
- That the applicant undertakes to pay all reasonable costs associated with the preparation of the legal agreement.

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

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 amended/revised plan(s) no(s):

1565E-PLN-04
1314E-PLN-04
SCS-01 Rev C
SSN-01 Rev A
EF-01 Rev H
EN-01 Rev J
TP-01 Rev K
TDA.1945.01 Rev C

received by the Local Planning Authority on 27th September 2013 and 28th October 2013.

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

3. Notwithstanding the approved plans, no development shall take place on site until protection measures for all trees identified to be retained have been put in place. Otherwise, no development shall take place (other than demolition), until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping. The development shall be carried out in accordance with the approved details.

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

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

6. Construction works on the development shall not take place other than during the following times:
 1. Monday to Friday 0800 to 1800 hours;
 2. Saturday 0800 to 1300 hours;
 3. 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.

7. No development shall take place (other than demolition) 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.

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

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

9. Each dwelling hereby permitted shall be constructed to achieve a minimum

Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales (5th Edition) November 2012.

10. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales (5th Edition) November 2012.

11. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.11.4 of Planning Policy Wales (5th Edition) November 2012.

12. No works whatsoever shall commence on site (other than demolition) until full engineering design and details of the tie in of the site access with the A4054 Cardiff Road and Lane rear of Nat-Y- Dall Avenue have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

13. Notwithstanding the submitted plans, development shall not commence (other than demolition) until full engineering design and details of the

internal road layout incorporating traffic calming features, street lighting, signage, drainage, highway structures, including longitudinal and cross sections 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.

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

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

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

15. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

16. 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.

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

All construction activities shall be implemented with the approved details

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

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

18. No development shall take place until details of measures to reduce the impacts of light fall from site lighting onto adjacent SINC (and other) habitats and the green corridors for bats, has been submitted to and approved in writing by the local planning authority. All lighting works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

19. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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.

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APPLICATION NO:	13/0744/10	(MJ)
APPLICANT:	Strong's Partnership Ltd	
DEVELOPMENT:	Construction of eight 1 bedroom affordable flats.	
LOCATION:	LAND AT MILL HOUSE (FORMERLY MARTON HOUSE) , OLD CAERPHILLY ROAD, NANTGARW, CARDIFF, CF15 7TA	
DATE REGISTERED:	22/07/2013	
ELECTORAL DIVISION:	Ffynon Taf	

RECOMMENDATION: Approve

REASONS:

The proposal is considered acceptable in principle.

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

APPLICATION DETAILS

Full planning permission is sought for the erection of eight affordable flats on land within the curtilage of Mill House, Old Caerphilly Road in Nantgarw. The units will be laid out in a link of four attached blocks in a slightly staggered arrangement.

The link of four will measure 32.6m across the frontage by a maximum of 8.6m in depth, at a maximum height of 9.1m to the ridge (two storey). Each flat will have one bedroom, a kitchen, living room and a bathroom. Materials proposed consist of dark grey concrete roof tiles and smooth render and facing brick to the elevations.

Nine off-street parking spaces are proposed for the flats which will be located to the front of Mill House, in the northwestern area of the site. A separate car parking area will be maintained for the existing office on the site to the rear of the building. A bike shelter for up to 10 bikes is also proposed adjacent to the proposed flats.

SITE APPRAISAL

The site measures 0.19 of a hectare and comprises of the existing building known as Mill House and its adjacent land to the rear. Mill House is currently occupied by a surveyor's office as a result of a previous application for the change of use of the building.

The site consists of concrete hard standings, parking and landscaping areas which have become overgrown and unkempt. The site consists of a generally level site with a retaining masonry wall to a maximum height of 1.5 metre high which lies adjacent to Caerphilly Road and the site entrance. Immediately adjacent to the western boundary lies land within the same ownership consisting of the remaining builders yard and an embankment which lies below the A4054.

The southern boundary of the site is open and adjoins the Nant Garw, the western boundary adjoins the Cross Keys Public House which is defined by an existing 1.8 metre high timber close boarded fence and the access road leading to the site - Caerphilly Road. The northern and eastern boundary adjoins a heavily vegetated embankment leading up to the A4054, at the bottom of which comprises a 0.5 metre high rendered wall and 0.5 metre high timber barrier along the northern boundary and a 1.8 metre close boarded timber fence along the eastern boundary. The site is

surrounded by residential development with a scattering of commercial development to the north east and east of the site, along the A4054.

The application site is a level piece of land with an access onto Caerphilly Road which serves two other properties which are located to the north west of the site. The rear yard has recently been cleared of vegetation, plant and machinery.

Access to the site is from Caerphilly Road at the end of a short cul de sac.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

13/0152	Alteration, extension and refurbishment to existing office/workshop to provide offices including external works and PV solar panels to south facing roof.	Conditions 05/04/13
08/0495	Change of use of existing office into residential use and the erection of 4 houses (amended plans received 03/07/08)	Conditions 13/08/08
88/343	Workshop/offices to builders yard	Conditions 11/07/88
87/718	Small builders yard and associated DIY centre	Conditions 17/02/88
86/226	Window blind workshop	Conditions 20/05/86
85/850	Housing development. 4 pairs of semi detached houses.	Withdrawn 18/02/86
84/1526	Renewal of permission for a haulage depot (outline)	Conditions 29/01/85
78/1270	Outline for haulage yard etc	Conditions 28/11/81
78/1037	Retention of caravan to be used as office in connection with haulage yard	Refused 20/12/78
76/1273	Site to be re-graded to form haulage yard with standing area for 3 lorries and small storage area	Conditions 14/06/77

76/1169 Haulage yard

Withdrawn
17/01/77

PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. Three letters have been received in relation to the application which are summarised as follows:

- a) Concerns that the proposed development will result in overlooking to existing neighbouring residential properties to the detriment of the level of privacy currently enjoyed by these properties.
- b) Concerns are raised regarding the loss of the existing vegetation along the boundary with the existing properties of Church Lane and the impact this will have on privacy.
- c) Concerns have been raised regarding the proposed gabion baskets along the watercourse and the impact these will have on the flow of water and ground erosion.
- d) Concerns are raised regarding the type of accommodation proposed as the area is characterised by family homes and not flats. One bedroom flats would be out of character with the area.

CONSULTATION

Transportation Section – no objections subject to conditions.

Land Reclamation and Engineering – no objections subject to conditions.

Public Health and Protection Section - no objections subject to conditions including hours of working during construction.

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

Countryside, Landscape and Ecology – no objections and no SewBrec records of statutory protected species have been found in the immediate vicinity.

South Wales Fire and Rescue – no objections subject to adequate water supplied being provided and access for emergency vehicles.

Wales and West Utilities – no objection subject to standard advice regarding the location of their apparatus.

Glamorgan Gwent Archaeological Trust – no objections.

Natural Resources Wales – no response had been received at the time of writing the report.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 – Development in the South.

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 – requires new development to be in a sustainable location.

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

Policy AW6 – outlines types of development criteria that will be supported, including the following:

- A high standard of design;
- Design appropriate to the local context;
- An integrated mixture of uses appropriate to the scale of the development; and
- An efficient use of land.

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.

Chapter 4 (Planning for Sustainability)

Chapter 8 (Transport)

Chapter 9 (Housing)

REASONS FOR REACHING THE RECOMMENDATION

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

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

The application site lies within settlement limits and in an area of mixed character, that is, both residential and commercial uses. As such, the principle of residential development is acceptable.

The key considerations in this case are whether the proposed development of the site for eight flats will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

Character and Appearance of the Area

With regard to the impact of the proposal on the character and appearance of the area, although the area immediately adjacent to the site is characterised by commercial/community uses, there are residential properties, comprising a mixture of detached, semi-detached and link/terraced dwellings and bungalows within close proximity of the site. It is acknowledged that the surrounding properties predominantly consist of semi-detached two storey dwellings, however due to the design of the proposed building, it is considered that the character of the estate is maintained as the flats appear as four dwellings from the front elevation and their massing.

The proposal would be to construct eight flats to the east of the existing building on the site, Mill House. It is considered that the siting of the dwellings would result in a development that would sit comfortably with the layout of the surrounding area which is quite sporadic.

The scale and appearance of the flats is considered to be acceptable and would not be detrimental to the character of the area where there is no prevailing style of house type. In terms of the design and use of materials proposed, these are acceptable as they are considered to be complementary to the existing surrounding residential development, and to Mill House itself. It is therefore considered that the proposed development is acceptable in terms of its impact on the visual amenity of the area.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

With regard to the impact of the development on the amenities of neighbouring residential properties, it is considered that the impact of the proposal on the amenities of neighbouring properties is acceptable.

Local concern has been raised about the loss of privacy for the dwellings located to the south of the site, however the proposed development would be sited so that there would be at least 21m between habitable rooms of these existing dwellings and the proposed flats.

Whilst some existing vegetation along the southern boundary of the site will be removed to accommodate the works to the gabion baskets along the watercourse, the applicant has indicated that it is their intention to plant replacement trees and shrubs. It is not considered that the removal of the vegetation along the boundary will result in a detrimental impact on the privacy and amenity of the properties to the south as the distance between the properties is at least 21m and is considered sufficient to protect the amenity of the existing and future residents. A condition is recommended below to secure a landscaping scheme.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. The appropriate condition is attached below.

In terms of amenities for the application site, it is considered that adequate amenity space is shown within the application site where there is a drying area and ample open space.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety, the Council's Transportation Section has raised no objections to the application subject to conditions.

The proposal site is served off an adopted highway at the end of a cul de sac and via a private driveway. The access to the site is considered to be satisfactory to serve the proposed development.

The level of off-street parking is considered acceptable having regard to the fact that the site is in a sustainable location in close proximity to the local bus service. The

units are also small in scale and are unlikely to attract families with multiple cars in their ownership.

The proposal is therefore considered acceptable in terms of its impact on highway safety and is in keeping with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

OTHER MATTERS

Local residents have raised concerns regarding the proposed works to the watercourse which will involve the renewal of gabion baskets along the bank and the erection of additional gabion baskets in some locations. The Council's Land Reclamation and Engineering Section have raised no objections to the proposal subject to the submission of a hydrological impact assessment. The works to the watercourse would also be subject to separate Land Drainage Consent from the Authority for these works. It is therefore considered that the information submitted with the proposal is sufficient to determine the application subject to the submission of full engineering details of the gabion baskets via a condition which is recommended below. It is noted that the maintenance of the other side of the embankment is the responsibility of the land owner.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of density, scale, siting and design and is therefore recommended for approval subject to the following conditions.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

The developer will be required to enter into a Section 106 agreement to ensure that the development would be secured for affordable housing.

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

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

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

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

4. No development shall take place until foul and surface water drainage arrangements, including a hydrological impact assessment, have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted plans.

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

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

- A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study

should contain a conceptual site model.

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

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

6. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 5) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority 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 retained together with measures for their protection during the course of development.

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

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

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

10. 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 use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

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

11. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

12. Unless otherwise agreed in writing by the Local Planning Authority, construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable

Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

13. Prior to the occupation of each individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

14. No works shall commence on site, until details and design calculations, of the gabion baskets have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development and to protect the integrity of the watercourse in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO:	13/0762/10	(EL)
APPLICANT:	TRACS Ltd	
DEVELOPMENT:	Conversion of existing ground floor games room and vacant room to residential care living accommodation and change of use of property from C3 dwelling house to C2 residential care home.	
LOCATION:	TY LLEWELLYN, LLEWELLYN STREET, TRECYNON, ABERDARE, CF44 8LA	
DATE REGISTERED:	15/08/2013	
ELECTORAL DIVISION:	Aberdare West/Llwydcoed	

RECOMMENDATION: Approve subject to conditions

REASONS:

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

APPLICATION DETAILS

Full planning permission is sought for the following, at Ty Llewellyn, Llewellyn Street, Trecynon:

- The change of use of the main property from a dwelling (Class C3) to a residential care home (Class C2).
- No physical alterations are proposed to the main property.
- The conversion of the ground floor of an existing out-building, within the curtilage of the site, from an activity space to additional residential care living accommodation. This would be occupied in conjunction with the main property.
- Minor adaptations are proposed to facilitate the conversion of the out-building. These include the creation of one additional window in the south side elevation and minor adaptations to the ground floor layout.

It is noted that Ty Llewellyn currently provides care for 6 residents, who live as one household, with the aid of support of staff. A change of use is required as the conversion of the outbuilding, to provide additional living accommodation, would increase resident numbers to 7. With 7 residents, the facility could no longer be considered as falling under Class C3.

SITE APPRAISAL

Ty Llewellyn is a former chapel, which has been converted to a residential dwelling. The property is a substantial building, which occupies a position on the junction of Llewellyn Street and Edward Street. The property is positioned within a plot of approximately 480m², with a small enclosed garden area to the west of the building. To the east is an existing outbuilding, which also benefits from accommodation arranged over two floors. This building currently accommodates an activity room and storage room at ground floor, with a meeting room at first floor, within the roof space. An area of off-street parking is located to the east of the dwelling, with access off Edward Street. The area surrounding the site is predominantly residential in character, with a mix of terrace and semi-detached properties.

PLANNING HISTORY

99/4195	English Wesleyan Chapel, Llewellyn	Conversion of vacant chapel to dwelling house (Amended Plans	Conditions 19/07/99
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Street, Trecynon, Rec'd 16/06/99)
Aberdare

PUBLICITY

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

- Concern is expressed with regard to the levels of parking in the vicinity of the site.
- It is commented that staff occupy all of the spaces within the site and often also park on the road.
- It is commented that there is already high demand for on-street parking in the surrounding streets, without any further increase in staff members / visitors that might be generated by the proposal.

CONSULTATION

Transportation Section – no objections raised.

South Wales Fire and Rescue Service – no objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is within the defined settlement limits.

AW2 - promotes development in sustainable locations.

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

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

NSA13 - sets out the criteria for development in the Northern Strategy Area.

National Guidance

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

REASONS FOR REACHING THE RECOMMENDATION

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

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

The application property lies within settlement limits and within an established residential area. The proposal does not seek to significantly alter the way in which the existing care facility operates but seeks to increase, by one, the number residents at the property. As such, the key issues in determining the application are considered to be:

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

Residential amenity

Whilst the property lies close to the Local and Neighbourhood Centre for Trecynon, the area that immediately adjoins Ty Llewellyn is predominantly residential in character. As such, it is important to consider the potential impacts of the proposal upon the levels of amenity that neighbouring occupiers currently enjoy.

As set out above, the property already provides care for 6 residents, who live as one household, with the aid of support staff. However, a change of use is required, as the conversion of the outbuilding, to provide additional living accommodation, would increase resident numbers to 7. With 7 residents, the facility could no longer be considered as falling under Class C3 and therefore must be formally assessed as a residential care home. As such, it is necessary to consider whether the addition of one further resident would significantly alter the character of the facility.

In order to assist in the assessment of the proposal, the applicant has provided clarification, with regard to the way in which the facility currently operates and the changes proposed. It is commented that Ty Llewellyn currently supports 6 residents aged between 18 to 65 with varied mental health needs (for example, anxiety disorders or depression). Therapeutic support is provided for individuals who need help to regain, maintain and/or develop their living skills within a community setting, quite often following discharge from long-term hospital care. The overall goal is to enable these individuals to return to independent living in the local community.

It is commented that there is no typical length of stay for residents, as care is delivered on a bespoke client needs basis, however this could range from 12 months to five years. Initially residents may require 24-hour support and are accompanied by staff when out in the community. However, as clients become more able and

confident, they require less support; therefore, it is not uncommon for residents who are ready to step down into the community to have their own front door key.

As such, it must be noted that the care facility is not a secure unit, with the individuals who are resident at Ty Llewellyn, living as one household, with shared living and kitchen spaces. Therefore, in many respects the way in which the property would be occupied, even as a care home, would be comparable to that of a conventional domestic property. In their supporting statement, the applicants have confirmed that there would be no significant operational changes resulting from the increase in capacity, with the care home continuing to operate in the same manner.

In light of these clarifications, it is not considered that the change of use and associated conversion to provide additional care facilities to cater for one further resident, would significantly alter the way in which the existing facility functions. As such, it is not considered that the continued operation of the facility, albeit with a slight increase in capacity, would adversely impact upon the levels of amenity or privacy which neighbouring residents currently enjoy.

Character and appearance

In order to provide the additional accommodation, it is proposed that the existing ground floor rooms of an out building be converted. As set out above, the conversion would be undertaken within the fabric of the existing structure, with very few physical alterations proposed. Externally, it is proposed that one additional window be formed, however this would overlook the car parking area to the front of the property. Internally, a minor re-configuration of internal partition walls is proposed. With so few physical alterations, the character and appearance of the building and the setting of the site would be largely unaffected by the proposal.

Since no physical changes are required to facilitate the formal change of use of the main property from a dwelling to a care home, it is not considered that the proposal would adversely impact upon the established character of the streetscene.

Highway Safety

In order to aid in the assessment of the proposal upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response acknowledges that the property is situated in an area, where demand for on-street parking is high. However, when assessed against the requirements of the Council's Supplementary Planning Guidance, (Access, Circulation and Parking) it has been established that the off-street parking requirement for the existing 6-person Class C3 dwelling, would be the same as the proposed 7-person Class C2 care home. Both uses would generate a requirement of 3 off-street car parking spaces and it is noted that 3 off-street car parking spaces are already available within the curtilage of the site. As such, it is not considered that the proposal would adversely impact upon

highway safety in the vicinity of the site, as such, no objections have been raised by the Council's Transportation Section.

Conclusion

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

RECOMMENDATION: Grant

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

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

2. The external materials of the proposed conversion shall match as near as possible the materials of the existing building.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. The premises shall be used as a residential care home under Class C2 only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the consent granted in accordance with policies AW5 and AW11 of the Rhondda Cynon Taf Local Development Plan.

4. No more than 7 residential clients shall be resident within the care home hereby approved, at any given time, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To define the extent of the consent granted in accordance with policies AW5 and AW11 of the Rhondda Cynon Taf Local Development Plan.

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

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APPLICATION NO: 13/0804/10 (LE)
APPLICANT: Mr D Collins
DEVELOPMENT: One detached dwelling (resubmission).
LOCATION: LAND ADJACENT TO 23 ALBERT STREET,
BLAENLLECHAU, FERNDAL, CF43 4NW
DATE REGISTERED: 19/08/2013
ELECTORAL DIVISION: Ferndale

RECOMMENDATION: Approve

REASONS:

The application is considered to represent an appropriate form of residential development within the settlement limits of Blaenllechau. Whilst of a significant scale, the design and general appearance of the dwelling is unlikely to have a significant, harmful impact on the existing character and appearance of the area or the residential amenity of those living closest to the site.

APPLICATION DETAILS

Full planning permission is sought for the construction of a detached, five- bedroom dwelling on a plot of vacant land adjacent to 23 Albert Street, Blaenllechau. The dwelling would be set back into the plot, approximately 2.5 metres from the front boundary and would have a split level design. The dwelling would have a two-storey design facing front, with large front gables positioned either side of the main pedestrian access into the building. The rear of the building would have a three-storey design with large sections of glazing characterising the rear facade. Again, the rear elevation would have feature gables with a 1.5 metre wide rear balcony extending the full width of the property above the basement level. A double, pitched roof garage would be erected adjacent to the north-western side of the main dwelling building. Overall, the dwelling would have a maximum depth of 12.0 metres and 16.0

metres width. The attached garage would measure 5.8 metres in width with 8.2 metres depth. The main dwelling would extend to a maximum height of 8.1 metres facing front and 12.5 metres to the rear. The dwelling would be finished with a mixture of rendered and stone elevations with slate roof.

The proposed dwelling would accommodate 5 bedrooms and a bathroom at first floor level. At ground floor level a living room, hallway, kitchen/dining area and utility/study rooms would be created. At basement level a large children's room, swimming pool and gym would be created. It is indicated vehicular parking space would be created to the front of the proposed garage with a 0.9 metre high stone wall defining the front boundary of the site. A 1.2 metre high post and wire fence would define the proposed rear garden area.

The planning application is accompanied by a Design and Access Statement.

SITE APPRAISAL

The application site is positioned toward the northwest of the end of terrace property known as 23 Albert Street, Blaenllechau. It consists of a vacant irregular parcel of land measuring approximately 860 square metres, which is overgrown with planting and bushes. The front of the plot adjacent to the vehicular highway is relatively flat in nature and historically accommodated a number of vehicle garages. The remainder of the plot forms part of the mountainside that slopes down significantly from northeast to southwest. The adjacent, no. 23 Albert Street, is a split level property set within a small row of similar terraced properties that front the highway. The properties have a three-storey design to their rear elevation which is reflective of the general housing design of properties within Blaenllechau given the sloping topography of the village. A row of further terraced properties are situated opposite the application site and open mountainside flanks the northwestern side and rear of the application site.

PLANNING HISTORY (post 1974)

13/0238	Land adjacent to 23 Albert Street, Blaenllechau, Ferndale	One detached dwelling	Withdrawn 23/04/13
08/0428	Land adjacent to 23 Albert Street, Blaenllechau, Ferndale	1 pair of semi detached houses	Granted 06/08/08

PUBLICITY

The planning application has been advertised by means of direct neighbour notification and site notice, one letter of objection has been received against the planning application. The concerns raised by the occupier of no.22 Albert Street are summarised as follows:

- The proposed dwelling is very large and unlike the terraced houses within the village.
- The sole purpose will be to change the use of the premise to business use after the build has been completed, thus saving money and avoiding more planning red tape.
- The proposed dwelling will comparatively burden the surrounding dwellings, financially and visually.
- Loss of privacy as a side window is proposed in the dwelling and the build would encroach on neighbouring gardens.
- The build will affect views of Maerdy and Ferndale and affect all aspects of the neighbour's life and mental wellbeing.
- Increased traffic as a result of this type of build may cause serious injury or a fatality to the objector's family.
- Welsh Water issues with sewer capacity in the area.
- Bats reside in Albert Street.
- Approximately 50 yards from the development site is an old mine shaft that can cause drainage issues in the area.
- Although the Council does not recognise depreciation for neighbouring property's, upon commencement of the build, legal action will begin against the Council and the developer for loss of property value. A matter that will be pursued through the courts.

CONSULTATION

Transportation Section - raise no objections, following the submission of amended plans that indicate appropriate off-street car parking space would be provided within the site.

Countryside Landscape, Ecology - raise no objections, with no records of statutory protected species from immediate vicinity according to SewBrec data.

Land Reclamation and Engineering - raise no objections, subject to conditions in relation to the detailed drainage of the development.

Welsh Water - raise no objections, subject to conditions in relation to the detailed drainage of the development.

Public Health and Protection - raise no objections, subject to the imposition of standard conditions in relation to potential land contamination investigations (given the site is on made ground) and a condition to limit the hours of operation during construction.

Structural Engineer - raises no objection, although advises conditions requiring the submission of a ground investigation report and the submission of retaining wall design/structural calculations for the sloping site.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the settlement boundary and unallocated.

Policy CS1 - emphasises the need to build strong and sustainable communities in the Northern Strategy Area.

Policy AW1 - sets provisions for the creation of new housing throughout Rhondda Cynon Taf.

Policy AW2 - supports development proposals in sustainable locations including sites within the defined settlement boundary.

Policy AW5 - specifies criteria for new development.

Policy AW6 - supports development that involves high quality design and makes a positive contribution to place making.

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

Policy NSA10 - sets housing density requirements for the Northern Strategy Area

Policy NSA12 - supports housing 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's 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues

Principle of the development

Permission is sought for the erection of a detached property within the existing built up area of Blaenllechau. The application site is situated adjacent to existing residential properties and is within the settlement boundary. Planning permission for the erection of a pair of semi-detached properties on the site was granted in 2008 with residential development not considered to conflict with the existing, predominantly residential nature of the locality. The principle of the development is therefore in accordance with the provisions of the local development plan that aims to focus new development within defined settlement boundaries.

Impact on the character and appearance of the area

In terms of the impact of the scheme on the existing character and appearance of the locality, whilst some concerns exist in this regard, on balance, the scheme is considered acceptable. The proposed dwelling would be sited within a relatively spacious plot with a similar layout and arrangement to neighbouring properties, being orientated toward the highway fronting the site. It is acknowledged the dwelling is significant in scale and not directly comparable to the appearance and style of adjacent more traditional terraced properties that arguably are the most distinctive and predominant housing type of the village (as noted by the representations raised by the objector). Nevertheless, the building design follows the split level style of adjacent properties, would utilise sympathetic and similar finishing materials to adjacent properties and would follow the building height of the adjacent terraced properties to ensure a degree of continuity is retained with the existing street scene. Although the mass and bulk of the rear elevation of the dwelling and associated retaining walls are significant, the three-storey design responds to the topography of the site and is reflective of the rear elevations of nearby properties and other properties within the village of Blaenllechau; large and significantly high rear elevations being a feature of the hillside village.

The scheme has also been subject to significant pre-application discussions, undertaken prior to the submission of the application, to ensure an appropriate form of development is introduced at the site, whilst also providing an appropriate level of accommodation for the applicant's large family. Following consultation with the Council's Urban Designer, the applicant has undertaken key changes to the design of the dwelling (in comparison to an earlier withdrawn scheme) that include fenestration changes to the front and rear elevations of the building and the re-siting of the dwelling closer to the front highway to increase the relationship of the new dwelling to the existing street scene. Whilst still acknowledging the dwelling would mark a

significant addition to the street scene, the changes undertaken to the detailed design of the proposal ensures a more acceptable dwelling would be introduced to the area. Regard has also been given to the planning history of the site that indicates planning permission for two, large semi-detached properties has previously been granted on the site. On balance, it is therefore considered that the positioning of a dwelling of the design, scale and appearance proposed would not have such a harmful visual impact on the existing character and appearance of the locality to warrant refusal of the planning application.

Impact on residential amenity and privacy

With regard to the amenity of surrounding residents, the proposed dwelling would be sited alongside and slightly behind number 23 Albert Street and opposite a row of terraced properties situated on the northern side of Albert Street. Whilst there is some concern that the proposal would form a visible feature when viewed from the rear gardens of adjacent properties, particularly the adjacent neighbouring property, no. 23, on balance the proposal is considered acceptable in this regard. The new dwelling would be set off the direct boundary with the adjacent property with the gable roof features that fall away from the adjacent neighbouring property reducing the mass of the proposal when viewed from both the curtilage of number 23 and 22 Albert Street. Comments raised by the occupiers of 22 Albert Street in relation to the loss of privacy as a result of a side window being positioned within the proposed dwelling are acknowledged, although this window would serve an en-suite and therefore would be obscured in nature and partially screened from number 22 given it would be sited, in the main, alongside the blank side elevation of number 23 Albert Street. Should Members be minded to approve the scheme a recommended condition would also ensure an appropriate screening barrier would be introduced to the proposed rear balcony area, to prevent any direct overlooking of the neighbouring properties.

Comments raised in relation to loss of views, loss of property value and likely future uses of the dwelling are also noted although not considered reasons to warrant the refusal of the planning application under consideration. Indeed, should planning permission be granted for the proposal, any change of use of the residential property to a commercial or business use would require a separate planning application and would be subsequently assessed on its own planning merits. Approximately ten metres of space would also be retained between the new building and residential properties sited opposite the site with open mountainside to the rear and west of the application site. On balance, it is therefore considered the scheme would not have an unneighbourly or unduly harmful impact on existing levels of residential amenity enjoyed within the locality.

Access and highway safety

Turning to the impact of such a proposal on highway safety and whilst acknowledging the comments raised from a neighbouring resident, the Council's

Transportation Section has raised no objections against the proposal. It is stated that the three off street parking spaces being proposed are acceptable for the development with the developer also proposing to provide a pedestrian footway along the site frontage to the benefit of pedestrian safety. It is however noted the highway network leading to the site is relatively narrow, and a condition is therefore suggested to ensure the delivery times of HGV's during the construction phase of the development are appropriately limited. As such the scheme is considered acceptable in this regard.

Other Issues

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

Drainage

The Councils Land Reclamation and Engineering Section and Welsh Water have raised no objection against the scheme subject to appropriate conditions.

Ecology

The Council's Ecologist has raised no adverse comments against the scheme with no records of statutory protected species from immediate vicinity according to SewBrec data.

CONCLUSION

The application is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan. Whilst representing a large dwelling, it is considered the development of a single dwelling on the site would pose no unacceptable harm to the existing character and appearance of the area or the residential amenity of those living closest to the site. The development is also considered satisfactory in terms of highway safety implications. Approval of the planning application is therefore recommended.

RECOMMENDATION: Grant

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

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

2. Building operations shall not be commenced until samples/brochure details of the type and colour of render, stone, windows, doors and roof tiles

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 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.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority 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 retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW 5 and AW 6 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 completion of the development, 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 by the Local Planning Authority a comprehensive scheme for boundary treatments for the development. The approved scheme shall be implemented prior to the first occupation of the dwelling hereby approved.

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

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

Reason: To ensure adequate drainage of the development and ensure the development does not cause or exacerbate flood risk within the area in accordance with Policies CS11 and AW10 of the Rhondda Cynon Taf Local

Development Plan.

7. The dwelling shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate drainage of the development in accordance with Policies CS 11 and AW 10 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of development, details of a 1.8m high privacy screen to the southeastern side of the rear balcony (facing toward no.23 Albert Street) shall be submitted to, and approved in writing by, the Local Planning Authority. The privacy screen shall be installed prior to the occupation of the development and shall thereafter be retained in the approved form unless the Local Planning Authority gives written consent to any variation.

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

9. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with submitted plan number 1803-01R dated 25th September 2013 and shall not thereafter be used for any other purpose other than the parking of vehicles.

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

10. Development shall not begin until details providing for the creation of a 2.0 metres wide footway/vehicular crossover along the site frontage along Albert Street have been submitted to and approved in writing by the Local Planning Authority. The footway/crossover shall be constructed in accordance with the approved details before the development is brought into use.

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

11. HGV's used as part of the development (during the construction phase) shall be restricted to 09:30 am to 15:30pm weekdays, with no deliveries on weekends 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 AW 5 of the Rhondda Cynon Taf Local Development Plan.

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

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

13. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved 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 copy of the desk-top study shall be submitted to the Local Planning Authority without delay upon completion.
- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
- A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interests of Health and Safety and Environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

14. Development shall not be commenced until the measures approved in the scheme referred to in Condition 13 have been implemented.

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

Development Plan.

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

16. Prior to the commencement of development, full details and design calculations of the proposed retaining wall structures shall be submitted to and approved in writing by the Local Planning Authority. The development, hereby permitted, shall be carried out in accordance with the approved details.

Reason: To ensure the stability of the development in the interests of public health and safety in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground conditions. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report

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.

18. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1- Dwelling Emission Rate' in accordance with the requirements of Version 3 of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

19. Unless otherwise agreed in writing by the Local Planning Authority, construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

20. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Version 3 of the Code for Sustainable Homes.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales.

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

- Monday to Friday 0800 to 1800 hours
- Saturday 0800 to 1300 hours
- 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 13/0814/10 (MJ)
APPLICANT: S Stephens and M Lloyd
DEVELOPMENT: 8 new houses
LOCATION: FORMER CAR PARK, FRANCIS STREET,
THOMASTOWN, TONYREFAIL, PORTH
DATE REGISTERED: 13/08/2013

ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: Approve

REASONS:

The proposal is considered acceptable in principle.

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

APPLICATION DETAILS

Full planning permission is sought for the erection of eight semi-detached dwellings on land formerly used as a car park along Francis Street in Thomastown.

Each pair of houses will measure 10.7m in width by 8.3m in depth, at a maximum height of 7.9m to the ridge. Each dwelling will have three bedrooms and a bathroom on the first floor with a kitchen and living room on the ground floor. Materials proposed consist of brown roof tiles and facing brick to the elevations.

Three off-street parking spaces are proposed for each dwelling which will be located to the front of the dwellings next to a small front garden area.

The proposal will also include a new disabled access path from the highway to tie-in with the existing entrance to the community centre.

A previous application for six dwellings was previously approved on the land at appeal in 2011 (ref: 10/0157).

SITE APPRAISAL

The application site comprises a car park that was formerly used in association with Thomastown Social Club, which is located approximately 17m to the northwest of the site. The adjacent Community Centre also uses the car park and there is an access ramp from the car park to the community centre. The site lies on the north-western side of Francis Street between a hot food takeaway and the community centre. Opposite the site frontage is a public house and to the rear is the A4119, beyond which is the Ely River. The site is relatively flat, however, it rises above the highway along its southern frontage.

PLANNING HISTORY

Previous relevant planning applications that have been made on this site are as follows:

10/0157	6 new dwellings (outline application). (Revised layout plan received 03/06/10)	Refused 07/09/10 Appeal: Allowed with Conditions 07/03/11
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PUBLICITY

The application has been advertised by direct neighbour notification letters and site notices. No response has been received.

CONSULTATION

Transportation Section – no objections subject to conditions and the payment of a transport tariff.

Land Reclamation and Engineering – no objections subject to conditions.

Public Health and Protection Section - no objections subject to conditions including hours of working during construction.

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

Countryside, Landscape and Ecology – no objections and no SewBrec records of statutory protected species have been found in the immediate vicinity.

Tonyrefail and District Community Council - raise concerns regarding the access and egress for the proposed development.

POLICY CONTEXT

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

Rhondda Cynon Taf Local Development Plan

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

Policy CS2 – Development in the South.

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 – requires new development to be in a sustainable location.

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

Policy AW6 – outlines types of development criteria that will be supported, including the following:

- A high standard of design;
- Design appropriate to the local context;
- An integrated mixture of uses appropriate to the scale of the development; and
- An efficient use of land.

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.

Chapter 4 (Planning for Sustainability)

Chapter 8 (Transport)

Chapter 9 (Housing)

REASONS FOR REACHING THE RECOMMENDATION

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

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

The application site lies within settlement limits and in an area of mixed character, that is, both residential and commercial uses. As such, the principle of residential development is considered acceptable.

The key considerations in this case are whether the proposed development of the site for eight dwellings will have an acceptable impact on the character and appearance of the surrounding area, the impact of the development on the residential amenities of neighbouring properties and the impact of the proposal on highway safety.

Character and Appearance of the Area

With regard to the impact of the proposal on the character and appearance of the area; although the area immediately adjacent to the site is characterised by commercial and community uses; there are residential properties, comprising a mixture of detached, semi-detached and link/terraced dwellings and bungalows within close proximity of the site.

The proposal would be to construct eight semi-detached dwellings fronting Francis Street. It is considered that the siting of the dwellings would result in a development that would sit comfortably with the layout of the surrounding area. The scale and appearance of the dwellings is considered to be acceptable and would not be detrimental to the character of the area where there is no prevailing style of house type. It is therefore considered that the proposed development is acceptable in terms of its impact on the visual amenity of the area.

The proposal is therefore considered to be in keeping with the character and appearance of the surrounding area in accordance with the provisions of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity

With regard to the impact of the development on the amenities of neighbouring residential properties, it is considered that the impact of the proposal on the amenities of neighbouring properties is acceptable.

In terms of neighbouring residential amenity, there are no dwellings within the vicinity of the site that would be adversely affected by the proposed development. It is acknowledged that the dwelling at plot 1 would be sited adjacent to a takeaway, however, the dwelling itself would be set back and separated from the takeaway by its garden and part of the driveway. Although there is a public house located opposite the site frontage, as previously advised, the character of the area is of mixed use. It is therefore considered that the surrounding land uses are unlikely to adversely impact on the future occupiers of the proposed dwellings to an unacceptable degree.

There are a number of side windows in the community centre which is adjacent to the site, however, it is noted that the room in the centre benefits from windows on both sides of the building. It is therefore considered that the proposed siting of the

dwelling would not adversely impact on the community centre to an unacceptable degree.

With regard to the construction phase of the development and any disturbance this may cause, the Public Health and Protection Section have recommended that construction work be carried out between certain hours only, which will minimise the effects on the amenity of neighbouring residential properties. The appropriate condition is attached below.

The proposal is therefore considered acceptable in terms of its impact on the amenities of neighbouring residential properties in close proximity to the site. The proposal is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

With regard to the impact of the proposal on highways safety and concerns raised by the Community Council, the Council's Transportation Section has raised no objections to the application subject to conditions.

The application site is located off Francis Street, Tonyrefail (7.3m) and was formerly utilised as the car parking area for Thomastown Social Club. A new car park for Thomastown Social Club is currently under construction.

Francis Street is a bus route with no parking restrictions. There are a number of local businesses within the vicinity such as hot food takeaway, public house and post office. There is a community centre located to the south-east of the site that has an existing access from the car park. The proposal would be to provide a new disabled access for the community centre from Francis Street which is considered acceptable.

Due to the proposed layout of the site and the position of the driveways off Francis Street, the proposal will result in vehicular reversing movements to and from Francis Street. The Transportation Section have raised some concern with regard to the vehicular reversing movements to and from Francis Street which is a bus route and is quite busy, however, given the previous consent on the site and the small scale of the development the concern is not sufficient to warrant the refusal of the application on these grounds.

The proposal meets the requirements in terms of off-street parking for the dwelling in accordance with the Supplementary Planning Guidance: Access, Circulation & Parking 2011. Having regard to the width of Francis Street at 7.3m, short term visitor car parking can be accommodated on-street.

There are continuous pedestrian links leading to the proposed development site which are satisfactory to serve the proposed. The developer has proposed to provide

a 2.0m footway/vehicular crossover along the site frontage to provide for safe pedestrian access to each new dwelling.

Having regard to the above, the application is considered to be in keeping with policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

The Council's Transportation Section has specified that the scheme is eligible for the payment of a transport tariff towards improving the strategic highway network, which will be secured as part of a Section 106 agreement.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of density, scale, siting and design and is therefore recommended for approval subject to the following conditions.

PLANNING OBLIGATIONS

From 6 April 2010 planning obligations should meet all of the following tests in order to comply with the Community Infrastructure Levy legislation:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

The developer will be required to enter into a Section 106 agreement to provide a contribution in relation to affordable housing in accordance with the advice in the Supplementary Planning Guidance.

The developer will also be required to enter into a Section 106 agreement to contribute a transport tariff in accordance with the requirements of the Supplementary Planning Guidance as a contribution towards improving the strategic highway network.

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

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

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- 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.

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

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

4. No development shall take place until foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the submitted plans.

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

5. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the revised parking layout to provide for 2 off-street car parking spaces per plot and driveways widened to a minimum of 2.6m have been submitted to and approved in writing by the Local Planning Authority. The new layout shall be carried out in accordance with the approved details prior to beneficial occupation of the first dwelling.

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

6. Prior to the development being brought into use, a 2.0m wide footway/vehicular crossing's 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

DEVELOPMENT CONTROL COMMITTEE

7 NOVEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File