

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE  
15 MAY 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	Agenda Item No. 4
<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	

**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. 13/0639 - Change of use to include a café and redesign of church car park, St Catherines Church and Church Hall, Upper Church Street, Pontypridd.
2. Application No. 14/0165 - Erection of a three storey B1 (Offices) class use development with roof-top plant, and associated single storey garage/ workshop, adjacent gatehouse, and security fencing, Unit 2 Pencoed Technology Park, Pencoed, Bridgend.
3. Application No. 14/0187 - Change of use from Guest House (C1) to a house of multiple occupation for up to 6 people (in this instance veterans from the armed services). (Amended application details received 14th and 18th March 2014), The Mount, Lanpark Road, Pontypridd.
4. Application No. 14/0203 - Raise existing ridge height to create first floor accommodation and two storey rear extension, 94 Church Road, Tonteg, Pontypridd.
5. Application No. 14/0204 - Extension and alterations to existing building for its use as a church hall to incorporate a new cafe, admin offices, meeting rooms, Sunday school and flexible spaces for community use (Amended description, plans and further supporting information received 1st April 2014), Hope Church, Hirwaun Road, Trecynon, Aberdare.

6. Application No. 14/0269 - Replacement conservatory (retrospective), 66 Primrose Street, Tonypany.
7. Application No. 14/0290 - Variation of Condition 3, 5, 16, 18, 19, 26, 27, 30, 31, 35, and 42 of planning approval; 12/1313/10 to allow for a phased development of the site (Residential Development of 276 houses) (Amended description 02/04/2014 to accommodate additional conditions 3 (landscaping details), 30 (boundary treatment) and 31 (external materials), Duffryn Bach Farm, Station Road, Church Village, Pontypridd.

## **APPLICATIONS RECOMMENDED FOR APPROVAL**

**APPLICATION NO:** 13/0639/10 (HW)  
**APPLICANT:** St Catherines Church Pontypridd PCC  
**DEVELOPMENT:** Change of use to include a café and redesign of church car park.  
**LOCATION:** ST CATHERINES CHURCH AND CHURCH HALL,  
UPPER CHURCH STREET, PONTYPRIDD, CF37 2UF  
**DATE REGISTERED:** 22/07/2013  
**ELECTORAL DIVISION:** Town (Pontypridd)

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**RECOMMENDATION:** Approve

### **REASONS:**

The proposed development is considered acceptable in terms of its impact on the setting of the listed building, the conservation area and on highway safety.

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### **APPLICATION DETAILS**

Full planning permission is sought for the change of use of part of the Church Hall to a café and the redesign of the car park. No physical alterations are proposed for the café change of use, and this part of the application is retrospective as the café has already opened. The café is open to the public, rather than just church users.

The redesign of the car park involves the removal of the existing grass strip up to the line of the railings, the creation of a new pedestrian route (involving the removal of part of the boundary wall), resurfacing of some areas, the marking out of parking spaces and the provision of a cycle bar. The parking spaces are proposed to be used for disabled and staff parking. Seating, lighting and bollards are also proposed within the church grounds. Alterations are proposed as vehicles tend to use the grass border and reversing sometimes occurs onto the road. In addition, a safe marked route of access is desired for pedestrians.

The application is accompanied by a Design and Access Statement.

### **SITE APPRAISAL**

St Catherine's Church is a Grade II\* listed building. The Church Hall is on the south west corner of the church and is connected to the church through an extension. It is a Grade II\* listed building.

A car park, that is proposed to be redesigned, already exists on the site, and is at the front of the church adjacent to Gelliwastad Road. The access to the car park is from Gelliwastad Grove.

The site is also within the Pontypridd Town Centre Conservation Area.

## **PLANNING HISTORY**

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

12/0842	Metal fence between the Vicarage and St Catherine's Church with 2 gates, minor earthworks and introduction of retaining wall	Approved 23/10/12
12/0031	Metal fence between the Vicarage and St Catherine's Church	Approved 15/03/12
09/0660	Listed Building Consent for demolition of service block and access ramp, construction of new extension and link between church and church hall. Alterations internally to church hall	Approved 15/09/09
09/0463	Alterations and improvements to the church hall and construction of new link between church and hall	Approved 07/10/09.
01/2252	Change of use of part of church grounds to provide a parking area for church members attending church services	Approved 15/06/01
97/2152	Demolition of pre-fabricated garage and erection of permanent garage.	Approved 27/06/97
96/2302	Refurbishment and extension to existing church hall	Approved 28/01/97

## **PUBLICITY**

Neighbour notification letters were sent to surrounding properties, a site notice was placed in the vicinity of the site and a press notice issued on the grounds that the application affects the setting of a listed building. No letters of objection have been received.

## **CONSULTATION**

Transportation Section – no objection raised, subject to a condition stating that the access, parking and turning shall be laid out in accordance with the submitted plan prior to the development being brought into beneficial use.

Public Health and Protection - no objection raised, but have suggested a condition in respect of hours of construction.

Land Reclamation and Engineering - recommend a condition for drainage details should this be approved.

Royal Commission on the Ancient and Historical Monuments of Wales - the proposed works to the church grounds are explained in the Design and Access Statement and do not appear to significantly affect the setting of the church.

Society for the Protection of Ancient Buildings - this falls outside their primary remit, but as a Member of Llandaff Area DAC the Officer concerned concurs with the need to redesign and improve the landscaping of the church car park. Notes the work to create the cafe has been carried out.

Glamorgan Gwent Archaeological Trust - no comments made.

South Wales Fire and Rescue Service - no comments made.

Pontypridd Town Council - no comments made.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

**Policy AW5** - provides criteria to be met by new development.

**Policy AW7** - development which impacts upon sites of historic merit where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

### **Main issues:**

**The main considerations in respect of this application are its impact on the setting of the listed building, the conservation area and on highway safety.**

In respect of the impact of the works on the setting of the listed building, it is noted that the external works involve minor alterations to the church grounds, which are not considered to significantly impact on the setting of the listed building or the Conservation Area. However, a condition has been recommended in respect of the design of some aspects of the proposal as these details have not been provided as part of the application.

In respect of highway safety, it is considered that as the cafe is close to town centre shops and parking, the condition recommended is not necessary.

**OTHER ISSUES**

In respect of drainage, as the works proposed involve a minor increase in the area of hard surface, further details are not considered necessary at this stage. A condition has been recommended to seek further details prior to works commencing on the car park.

It is not considered that this application raises any significant issues in respect of neighbour amenity, due to the minor nature of the external works and the cafe use involving only part of the church hall. However, a restrictive condition has been recommended to ensure the area is used as a cafe only, and that it is only open during the day time, to ensure no significant impact on residents in the area.

It is noted that part of the wall at the entrance to the car park is proposed to be demolished as part of this scheme. It is considered that this would normally require listed building consent, but would be exempt in this case due to the Ecclesiastical Exemption rules. This alteration proposed is considered acceptable as it involves a small part of the wall and would improve the pedestrian access to the church. The applicant is however advised to speak to the Diocese about this matter.

**CONCLUSION**

The application is considered to have an acceptable impact on the historic environment and highway safety and therefore it is recommended that planning permission is granted.

**RECOMMENDATION: Grant**

1. Construction works on the development shall not take place other than during the following times:
  - i) Monday to Friday 0800 to 1800 hours;

- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 2. No development involving the redesign of the church car park shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The redesigned church car park shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

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

- 3. Prior to the redesigned car park being brought into beneficial use details of the new wrought iron gate and railings, new section of wall, seating area, removable bollards and cycle stand shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason in the interests of visual amenity and to safeguard the character and appearance of the Listed Building in accordance with Policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

- 4. The church hall cafe shall be open to the public between the hours of 12 noon to 16.00 hours Monday to Friday only.

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

- 5. Before the redesigned church car park is brought into use the means of access, together with parking and turning facilities, shall be laid out in accordance with the submitted plan dated 21 June 2013.

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

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**APPLICATION NO: 14/0165/10 (CHJ)**  
**APPLICANT: Willmott Dixon Construction Limited**

**DEVELOPMENT:** Erection of a three storey B1 (Offices) class use development with roof-top plant, and associated single storey garage/ workshop, adjacent gatehouse, and security fencing.

**LOCATION:** **UNIT 2 PENCOED TECHNOLOGY PARK, PENCOED, BRIDGEND**

**DATE REGISTERED:** **10/02/2014**

**ELECTORAL DIVISION:** **Brynna**

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**RECOMMENDATION:** Approve subject to the applicant entering into a S106 agreement.

**REASONS:**

While the Business Park is no longer specifically allocated within the Local Development Plan the proposal is, essentially, an infill plot on an existing engineered plateau sitting between the established part of the Estate (in Bridgend) and opposite an existing and recently expanded business/employer within RCT.

The proposal represents a significant financial investment in the County Borough and will secure a considerable amount of existing jobs as well as likely providing some new ones through the construction process and associated servicing. The design of the building is considered appropriate in this highly prominent location.

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**APPLICATION DETAILS**

Full planning permission is sought for the erection of a three storey B1 (Office) use on Plot 2 of the Pencoed Technology Park. The site is wholly located within RCT with the stream to the rear boundary of the site (the Ewenni Fach) denoting the County Borough boundary with Bridgend.

The proposed facility will provide approximately 9000 sq.m. of office and associated accommodation for the South Wales Police. Once complete, around 434 permanent employees will occupy the premises (although Committee is advised that these jobs are largely relocated from other existing facilities).

The proposal will comprise a three storey office space (approx. 6.500 sq.m. of internal floor space), an associated single storey annex (approx. 700 sq.m. of internal floor space) and a single storey workshop / garage (approx. 1400 sq.m. of internal floor space). Members are advised that the presentation to Committee will include Computer Generated Images (CGI) of the proposed elevations.



There are 442 car parking spaces provided within the site to accommodate operational uses and visitors.

As a Police facility, the complex will also include a security gate house at the entrance to the site as well as appropriate boundary treatments (fencing, landscaping, etc.).

An area to the rear (west) of the site is not required for operational use but is of the greatest ecological value. It is proposed to be continued to be used for low intensity (cattle) grazing.

## **SITE APPRAISAL**

The application site measures approximately 3.4 hectares (just under 5 football pitches). There is a further area of land within the ownership and control of the applicant to the west of the site but is not required for operational purposes.

The site is flat in profile. It has been the subject of previous planning applications which included the creation of “engineered plateaux” to accommodate future development although, other than the development by Ortho Clinical Diagnostics (Johnson & Johnson), take up of the plots within RCT were not forthcoming which has led the specific site designation being removed from the LDP.

As part of the previous consents and existing development, the access roads to the site have already been constructed requiring only a site entrance to be constructed. The site is in very close proximity to the County Borough boundary with Bridgend and in relatively close proximity to that of the Vale of Glamorgan.

It is likely that the majority of visitors to the site will access it from Junction 35 of the M4 (Pencoed).

Outside of the engineered plateau, there are a number of trees within the wider site although the majority of these are located on the “non-operational” land with the two trees that are within the operational area are proposed to be retained.

## **PLANNING HISTORY**

The main planning history of the site can be summarised as follows:

91/0188	Land lying between M4 and Felindane Road, South east of Gwenni Fach	Technology park for a single user erection of buildings for uses B1 and class B2 uses. observations required	No objection 19.6.91
91/0241	Land lying	Erection of new plant for Sony	As above

	between route a473 and Felindre Road NW Ewenni Fach	Manufacturing observations	17.6.91
91/0857	Sony	New approach road and gatehouse to office block of development observations required	As above 23/12/91
02/1850	Land at Pencoed, Bridgend by the M4 to south Felindre Road to northeast of Sony Factory/Pencoed Cemetery	Erection of buildings for uses within classes B1 and B2 of the town and country planning use classes order 1987, together with associated engineering and building operations and landscape works	Conditions 26/03/04
05/1884	Pencoed Technology Park, Bridgend	Variation of Condition 1a (submission of reserved matters) as imposed on Outline Planning Permission 02/1850, dated 26 March 2004.	Conditions 20/04/06
05/1885	Pencoed Technology Park, Bridgend	Deletion of Condition 12 (implementation of highway signalisation works at Felindre Road/A473 roundabout) and Condition 33 (implementation of highway signalisation works at M4 Junction 35) as imposed on Outline Planning Permission 02/1850, dated 26 March 2004.	Granted 27/04/06
06/0427	Pencoed Technology Park, Bridgend	Variation of condition to require permanent stopping up of highways prior the first occupation of the first building on the site; not prior to works commencing on site (as required by condition 11 imposed on outline planning permission 02/1850, dated 26th March 2004)	Withdrawn 24/05/06

## PUBLICITY

The application has been publicised through advertisement in the press, by site notices and by individual letters. As a result of this exercise only one letter has been received. It was submitted by Ortho Clinical Diagnostics (the Johnson & Johnson

related company on Plot 1). It expresses some comments/concerns relating to the proposed development and is summarised as follows:

- Access – wants the access road to their site and the technology park clear of construction vehicles at all times;
- Utilities – expect appropriate precautions to be made to protect continuity of supply through the construction period;
- Review Meetings – request that the principal contractor hold regular meetings with OCD to discuss issues which may impact on their site;
- Use of Generators – want to understand more about the need for them and seek reassurance that they will not consistently be operated through the night.

Committee is advised that these issues are addressed in the “Reasons for Reaching the Recommendation” section of the report.

## **CONSULTATION**

As part of the application process the following consultees were notified. A brief précis of replies have been included for Committee’s consideration:

Transportation Section – no objections subject to appropriate conditions and the payment of a Transport Tariff.

Land Reclamation/Drainage Section – no objections subject to conditions.

Public Health & Protection Section - no objections subject to conditions.

Natural Resources Wales - no objections subject to conditions.

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

Gas & Electricity Undertakers – identify location of apparatus.

Fire Service – no reply received.

Countryside / Ecology Section – no objection subject to conditions.

Vale of Glamorgan CBC – no objections.

Bridgend CBC – no objections.

## **POLICY CONTEXT**

### Proposals Map

The site is:

- Outside settlement boundaries
- Not allocated for a specific land use
- In a sand and gravel resources protection area.

The River Ewenny (Ewenni Fach) is a SINC.

### Constraints Map

Part of the site is in a C2 flood risk zone.

### Core

**Policy CS2** emphasises sustainable growth that would benefit Rhondda Cynon Taf as a whole.

**Policy CS102** provides for the definition of safeguarding areas for sand and gravel.

### Area Wide

**Policy AW2** promotes development in sustainable locations.

**Policy AW4** provides for the negotiation of planning obligations.

**Policy AW5** gives amenity and accessibility criteria for new development.

**Policy AW6** gives design criteria for new development.

**Policy AW8** seeks to protect SINC.

**Policy AW14** protects sand and gravel resources at Llanilid (a).

### Strategy Area

None.

### SPG

- Design & Placemaking
- Nature Conservation
- Planning Obligations
- Delivering Design & Placemaking: Access Circulation & Parking

### Evidence Base

EB39 – Rhondda Cynon Taf Economic Development Prospects and

### Employment Land Implications

- The application site is in the undeveloped industrial land that is ranked top in quality out of all such sites in Rhondda Cynon Taf (para. 7.6).

EB43 – Employment Land Review – Availability Schedule 2009

- Confirms that the application site has been available since 2009.

EB44 – SINC descriptions

EB76 – minerals background paper

EB84 – employment land topic paper

EB99 – mineral topic paper

National Planning Policy

PPW 6:

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.1.4 In applying these and other considerations, local planning authorities should aim to steer economic development to the most appropriate locations, rather than prevent or discourage such development.

7.2.2 Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process.

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development.

7.6.2 When considering planning applications which have economic development potential, local planning authorities should seek the views of ... Economic Development Officers as this can assist in the identification of economic benefits.

Minerals TAN 1 – Aggregates:

Para. 32: While it is recognised ... that land based extraction is not considered appropriate at the present time, those resources must be safeguarded for potential use by future generations in development plans now in view of their relatively limited regional availability.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 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 plan policies should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues**

#### The Principle of the Proposed Development

The principle of Use Class B1 development in this area has been established since 1991 by the grant of planning consent by Bridgend Borough Council for the built development that saw SONY come to South Wales. The desire to attract inward investment of this type was reinforced in 2002 when a similar consent (in terms of land use) was granted in 2002 for an area of land in RCT.

The RCT part of the Technology Park has seen Ortho Clinical Diagnostics establish and subsequently extend itself to the eastern part of the site. The access road leading from the A473 roundabout at Pencoed to serve that (and other as yet forthcoming) development has been fully constructed. Some engineered plateaux have also been created in anticipation of future development.

While the RCT part of the Technology Park is no longer specifically allocated within the LDP and the time period for the submission of reserved matters on the previous planning approvals have now expired, it is considered that the principle of the use on this site has been firmly established and that it is appropriate for the Council to positively consider a detailed application for a B1 use on this site.

The land in question is not specifically allocated for any other use within the LDP therefore it is not considered to be a “departure” application (it is not preventing another allocated development from taking place). The land does form part of a wider reserve for sand and gravel however, the decision to develop a Technology Park at this site (both in RCT and Bridgend) effectively means that a decision has already been taken a considerable time ago that the resource was unlikely to be available to be excavated in this area. In addition, the application site currently under consideration has specifically been engineered (through the 2002 consent) in readiness for built development. While the current application is made “in detail” (and is therefore a “free standing” application) it is not considered that this development would prevent an application from being considered on its own planning merits for sand and gravel extraction on the wider area, nor is it considered

to be contrary to the LDP policy as the land has effectively been “sterilised” through previous decisions and built operations.

### Highway Considerations

Access to the site has already been fully constructed and the Transportation Section has offered no objections in relation to the construction of the access into the site.

The applicant has proposed 442 vehicle parking spaces within the curtilage of the site. A total of 48 cycle parking spaces will also be provided.

A Framework Travel Plan has been submitted with the application to illustrate how reliance on the private motor car can be minimised. The Transportation Section has advised that its content is acceptable and should form part of a Full Travel Plan the details of which is to be secured by way of a condition.

In accordance with the Council's SPG, the proposed development would generate a Transport Tariff of £380,286 to mitigate the impact of the development on the strategic highway network however, since the majority of the visitors to the site would arrive using the M4 at Junction 35 along the access road specifically constructed to serve the Technology Park, then it is considered reasonable to accept a reduced figure based on only a proportion of patrons visiting the site via the RCT highway network. Following negotiations with the applicant, it is considered reasonable to pay a sum of £200,000 which the applicant has agreed to pay upon first beneficial occupation of the building. This will be secured through a Section 106 agreement.

### Third Party Comments

A letter of concern/observation was received from the owners of Ortho Clinical Diagnostics (OCD). This has been summarised for Committee's information as part of the PUBLICITY Section of the report.

While the comments are acknowledged, some of the issues raised fall outside of the scope of the planning process and would be down to good construction management by the applicant and their contractors.

In respect of the material planning considerations raised it should be acknowledged that Ortho Clinical Diagnostics may have enjoyed a number of years at the site without there being any neighbouring developments likely to give rise to any concerns however it was never intended to be a “stand alone” development. Members will note from the presentation at Committee that there is a considerable distance between the proposed building and the building at OCD therefore it is considered unlikely that there would be many circumstances where the uses would conflict. While the construction period may give rise to some concerns, the main access to the site is of an appropriate width with a segregated footway and access into the site is a relatively short connection into a large site so there should be little

reason for there to be any significant obstruction to the highway that would impinge on OCD to any significant degree. A copy of the letter has been sent to the applicants along with a recommendation that, in the interests of being a good neighbour, a meeting is held with OCD to discuss any concerns.

Concern has also been raised in respect of the use of generators at the site and their potential for night time use. Committee is advised that the nature of the uses at this new facility would mean that a full reliance on power supplies is required to maintain operations. As such, connections to the statutory supplies will be duplicated. Furthermore, and in the unlikely event of failure in such robust provisions, a generator will be called into use to provide power to certain critical activities. Save for periodic testing, the generator will only run on rare and specific occasions. The fact that it is located a considerable distance from OCD and the close proximity of the M4 and other users within the Bridgend Technology Park would mean that any noise is likely to be screened to such a degree so as not to cause any problems to OCD operations. The Public Health & Protection Section have been consulted as part of the application and have offered no objection in relation to any affects on surrounding properties.

While not specifically mentioned, the nature of the products manufactured at OCD may require a sterile environment. While safeguards are likely to have been incorporated in the design of the building to ensure this, it is prudent through the imposition of an appropriate condition, to include details of a scheme to minimise any dust during the construction process.

### Neighbouring Properties

The nature of the use proposed is largely office based operational and training facility accommodation for the Police. It is not proposed to be a "Police Station" nor will it be a base for the Transport Police Fleet being so close to the M4. In fact, there is unlikely to be any noticeable Police presence taking place (in the traditional sense of sirens, "blues and twos", marked Police cars, etc.) There is likely to be considerable activity at the site by way of vehicle movements of staff and visitors but all such traffic can be accommodated within the site and is not likely to result in any overspill car parking on the surrounding highway and it is considered that such a use is substantially similar to any other office accommodation that could take place on the Park.

There are a number of existing buildings and users on the Technology Park and it is not considered that the proposed use would be incompatible with any other user on the Park nor is it envisaged that the use would have any significant impact on the ability of any remaining plots to be successfully marketed and occupied.

There are some isolated residential properties within in a relatively short distance of the site but none are so close such that the development is likely to cause any significant issues that would make it unacceptable.



### Neighbouring Councils

The site lies in close proximity to the Council areas of both Bridgend and the Vale of Glamorgan. Both Councils were consulted on the proposal. Both Councils responded offering no objection. Bridgend Council did include a copy of their SPG for the site within their area and ask that this development respects its ambition to have good inter-connectivity as well as areas for the workers to exercise and relax.

In relation to their SPG the nature of the operational aspects of the proposed use is such that it would need to be secure but the application itself would not undermine the principles enshrined within it. The non-operational land to the west of the site (and most adjacent to Bridgend's boundary) may offer some opportunities for recreational uses although the stream does divide the two parts of the Technology Park which may affect some connectivity.

### Sustainability Considerations

It is customary, on the advice of Planning Policy Wales, for buildings of this type to meet the BREEAM standard of "Excellent" through construction. The applicants have demonstrated through the application that the nature of the use proposed and the technical requirements for the activities would mean that large areas of the building require plant and machinery for which natural ventilation and cooling would not be possible and therefore it would make it very difficult to achieve this standard. It is therefore requested that, due to these technical difficulties, that this requirement be changed to "Very Good" a standard which the applicant is confident that they can achieve.

TAN 22 (Planning for Sustainable Buildings) states *"it is for the Local Planning Authority" to decide whether the example conditions provided are appropriate to the individual application. There may be instances where these example conditions will require amendment to reflect local and site specific circumstances..."* it goes on to state *"in some limited circumstances, and in a small number of exceptional cases, technical and policy constraints may exist which would prevent the standards being met, or the nature of the development means that they are not appropriate"*.

The justification submitted in support of the removal of the requirement to obtain mandatory credits to achieve a BREEAM rating of "Excellent" is considered reasonable and is accepted in this instance due to some of the operational requirements of the building and the proposed use.

### Ecological Considerations

The Council's Ecologist has advised that the engineered plateau on which the development is proposed has little ecological value. The car parking area to the

north may affect the root structure of two trees which lie in close proximity and a condition is proposed to minimise any impact.

The non-operational land (within the applicant's ownership and control) is adjoining the Ewenni Fach (which also forms the County Borough Boundary with Bridgend). It has greater ecological value which has been highlighted in the applicant's own Ecology study which examined the impact on bats, dormice, nesting birds and other protected species. It would seem that some of the habitat may have been created / enhanced as part of the original consents for the Technology Park and that enhancement would have been ongoing as the development of the Technology Park expanded (although no further units in addition to OCD were constructed). No objection is raised to any part of the development however conditions are requested to positively manage the ecologically important parts of the site (part of this will be secured through a S106 Agreement).

### Flood Risk Considerations

The Ewenni Fach gives rise to potential flooding and, as a result the western part of the site sits within a C2 Flood Zone as defined by the Environment Agency's (now NRW) Development Advice Maps. The applicant has submitted a Flood Consequences Assessment (FCA) which shows that only the car parking area is likely to be affected in the event of a 1:1000 year event. NRW have been consulted in respect of the application and have offered no objections.

The Council's Drainage Section have also been consulted and also have no objection subject to the addition of appropriate conditions.

### Employment Considerations

Committee is advised that this development will be a significant employer within RCT although it should be noted that it is likely that the jobs will be relocated from other similar facilities within South Wales. However it should also be noted that there is likely to be a significant economic boost through the construction activities as well as securing a considerable number of jobs in related supply industries.

The site is no longer allocated for business uses within the LDP so the development of this site is, in effect, a windfall and may act as a catalyst for further interest in the remaining plots, whether in RCT or Bridgend.

### Conclusions

The proposal represents a significant investment within RCT. The design of the building is of a high standard and will compliment this highly prominent location adjacent to the M4. While the site (as a whole) is no longer specifically allocated within the LDP it is considered that the history of the site, including its implemented planning consents, means that the application does not represent a "departure" from

the LDP nor would it sterilise any more of the sand and gravel reserve that has already been sterilised through past construction activities.

### **Section 106 Contributions/Planning Obligations**

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

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

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

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

In light of the above comments it is recommended that the application be approved subject to the imposition of appropriate conditions and the applicant entering into a S106 agreement with the following Heads of Terms:

- The applicant is to pay £200,000 Transport Tariff prior to the first beneficial occupation of the building.
- The applicant provides an Ecological Management Plan which includes details of 25 year management, restoration, creation and monitoring programme for key species and habitat.
- The applicant undertakes to pay the Council's reasonable legal costs in providing the agreement.

### **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 commencement of any development, a phasing plan shall be submitted to, and approved in writing by, the Local Planning Authority. The phasing plan shall clearly identify the principal stages of the construction programme. No development shall commence on any of the phases of the development until such time as the conditions relating to that phase have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure the developer has complied with all conditions having regards to the relevant phases of the construction process.

3. Access, circulation and parking shall be laid out, prior to the first beneficial occupation of the building in accordance with the submitted layout plan, Drawing No. P005.

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

4. The parking areas shall be retained for the purposes of parking of motor vehicles only.

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

5. Surface water drainage from the proposed development shall not discharge into any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overcapacity of the existing highway drainage system and potential flooding.

6. Within 6 months following the implementation of this consent or first occupation of the building, whichever is the latter; a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include:-

- a) Travel Plan Co-ordinator.
- b) Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling, car sharing/pooling and use of public transport.
- c) Management strategy for monitoring and delivering the objectives.

- d) Review Process.
- e) Financial penalties (£376/daily trip) and fallback position if the targets set have not been achieved.

The Travel Plan shall be implemented within one month following its approval and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National and Local Planning Policies.

7. No development shall take place on any phase until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase to provide for:

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

The approved Construction Method Statement shall be adhered to throughout the development process.

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

8. No development shall take place on any phase until a Species and Habitat Protection and Mitigation Plan for Construction on that phase has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- 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, hibernating and breeding amphibians and reptiles, etc.)

- Details of specific species and habitat mitigation measures, to include particular attention to site lighting impacts on bats
- Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - vi) Specific species and Habitat Mitigation measures
  - vii) Provision of training and information about the importance of the '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. No development shall take place on any phase until details of a Tree Protection, Management and Mitigation Plan are submitted to and approved by the Local Planning Authority in respect of that phase. Details to include:
- a) Tree survey of all trees and woodlands
  - b) Protection provisions under BS:5837 : Trees In Relation to Construction and any remedial tree works proposed for retained trees.
  - c) Plan showing the location of retained trees.
  - d) Details of agreed pre-and post construction trees works to be performed to BS3998;
  - e) Details of tree planting proposal and other mitigation measures
  - f) Personnel responsible for implementation of the plan and the details and confirmation of provision of the Environmental Liaison Officer position and post,
  - g) Monitoring and Remedial measures triggered by monitoring,

The works shall be implemented in accordance with the approved details and timing of works, 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.

10. No development shall take place on any phase until details of the Ecology and Landscape Mitigation Plan are submitted to, and approved in writing by, the Local Planning Authority in respect of any phase.

The Ecology and Landscape Mitigation Plan shall include details of:

- Purpose, aim and objectives of the scheme;
- A review of the plans ecological potential and constraints;
- Details of the landscaping schemes, including;
- species composition,
- source of material (all native planting to be of certified British provenance),
- hedgerow management
- techniques and methods of vegetation establishment,
- method statements for site preparation and establishment of target habitat features;
- invasive plant control
- extent and location of proposed works;
- aftercare and long term management;
- personnel responsible for the work;
- timing of the works;
- monitoring;
- disposal of waste arising from the works.

All landscape 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.

11. Notwithstanding the details shown in the application, building operations shall not be commenced on any phase of the development until the details of materials to be used externally (including samples when requested) on that phase have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance

with the materials 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 and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

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

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

14. The building hereby permitted shall be constructed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) overall 'Very Good' in accordance with the requirements of BREEAM 2011. 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 Planning Policy Wales.

15. Construction works relating to the building hereby permitted shall not begin until the applicant has submitted a Detailed Pre Assessment Report with scoring matrix prepared by a BREEAM Assessor, indicating that the project specific target credits and the overall rating demonstrating a rating of Very Good in accordance with the requirements of BREEAM 2011. The Interim Design Stage BREEAM Certificate shall be submitted no later than 3 months after commencement, demonstrating that Very Good has been achieved under the same criteria.



In the event that the Interim Design Stage BREEAM Certificate is not submitted within the above specified time, demonstrating that a Very Good rating has been achieved, all works shall cease on site until the required certificate has been submitted to the Local Planning Authority.

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

16. Prior to the occupation of the building hereby permitted, a Final BREEAM Certificate shall be submitted to the Local Planning Authority, certifying that a minimum BREEAM overall Very Good Standard has been achieved for that building in accordance with the requirements of BREEAM 2011.

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

17. The building shall not be occupied until such time as a scheme of landscaping (both hard and soft) within the application site is submitted to, and approved in writing by, the Local Planning Authority.

All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting season following the first beneficial occupation of the building. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season.

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

18. 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 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 be in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

19. Prior to the commencement of development on any phase, details of all

external lighting (permanent or temporary) to be used on that phase 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: In order to have regard to protecting areas of ecological interest and interests of highway safety and amenity.

20. The development for which permission is hereby granted shall not be commenced until such a time as a scheme to install oil and petrol separators has 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 prevent any oil and petrol run-off causing deterioration in water and habitat quality and aquatic biodiversity in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

21. No development shall take place unless a scheme has been submitted to and approved by the Local Planning Authority, including proposed mitigation, design details and a development program with respect to:

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

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.

22. No development shall take place until details of car parking provision in the immediate vicinity of Trees T2 and T3 (RPS Tree Survey drawing 700) which show that car park provision in these locations have fully and properly incorporated root zone and canopy spread protection have been submitted. All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

Reason: In order to have regard to protecting areas of nature/ecological interest and interests of highway safety and amenity.

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**APPLICATION NO:** 14/0187/10 (GW)  
**APPLICANT:** Alabare Christian Care Centres  
**DEVELOPMENT:** Change of use from Guest House (C1) to a house of multiple occupation for up to 6 people (in this instance veterans from the armed services). (Amended application details received 14th and 18th March 2014).  
**LOCATION:** THE MOUNT, LANPARK ROAD, PONTYPRIDD, CF37 2DL  
**DATE REGISTERED:** 18/03/2014  
**ELECTORAL DIVISION:** Town (Pontypridd)

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**RECOMMENDATION:** Grant

**REASONS:**

It is considered that the conversion of the existing building to a sui generis 'House in Multiple Occupation' constitutes an acceptable alternative use of a building within the settlement boundary and a sustainable location and complies with relevant national and local planning policies.

It is acknowledged that local residents and other parties have expressed a number of concerns regarding the proposed use, however it is considered that the applicant has submitted sufficient information in order to address these concerns and the use of appropriate conditions will prevent the facility having a significantly detrimental impact on the amenities of residents or the character of the area.

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**APPLICATION DETAILS**

Full planning permission is sought, by Alabare Christian Care Centres, for the change of use of a guest house to a house in multiple occupation for 6 veterans from the armed services.

Alabare's website details they are a charity, founded in 1991, that works with vulnerable and marginalised people in our communities, to support them towards gaining the independence they need to move on with their lives. Part of their work includes the provision of homes for veterans of the armed services who are homeless. It is detailed they mainly operate in the South West of England, but are now moving into South Wales.

The applicant details the accommodation at the site is to fulfil a funding obligation from the Armed Forces Libor Fund as part of The Armed Forces Covenant to provide supported housing for homeless veterans. Members will be aware that Rhondda Cynon Taf Council has become one of only several local authorities in Wales to

establish an Armed Forces Community Covenant. This is a statement of mutual support between a civilian community and its local Armed Forces Community.

Potential residents would be referred to Alabare from a variety of organisations such as Royal British Legion, Soldiers, Sailors and Airmen's (SSAFA), Royal Air Forces Association (RAFA), Regular Forces Employment Association (RFEA); ABF The Soldiers Charity; Housing Teams from Local Authorities; other local charities/charitable organisations, i.e. Huggard; Help for Heroes and Citizens Advice Bureau (CAB).

The referring organisation provides information relating to the individual veteran and the potential residents are then interviewed to ascertain suitability for Alabare's services, their willingness to interact with support plans and their 'fit' to the existing residents in the house, in order to maintain the dynamics of the house.

The responsibility to fill vacancies lies with the Alabare Support Team Leader and Support worker designated to the property. The residents stay in the property under an Alabare Licence Agreement, which encompasses House Rules. Copies of these have been provided with the application.

The Alabare information leaflet provided, details veterans some time struggle to make the transition to civilian life and progress better when helped by people who understand the challenges they face. They could have problems including Post Traumatic Stress Disorder, mental and physical ill health, addictions, debt issues, relationship breakdowns and problems in finding a new career.

They further detail the whole house, lounge/dining room/ kitchen etc, garden and out buildings are for the use of the residents and is essentially their home for the duration of their stay with us. The residents would be responsible for the day to day upkeep/housekeeping of the entire property, outbuilding and garden. Alabare's veteran's houses all participate, by their choice, in communal cooking as a group and apart from that they live independently. Alabare's aim is to support people so that they can go back to living independently.

Residents can chose a bedroom if a number available, however if only one is available then there is no choice. When residents move on, other residents can ask to change rooms. The exception would be if a resident has mobility issues as the designated room is on the ground floor. The bedroom doors already have locks on them and they will remain.

The length of time residents would stay is dependant on the individual's requirements and abilities. On average it would be about 9 – 12 months before a resident moved on to either a move on property or their own independent accommodation.

Two non-residential support staff would be at the property on a regular basis Monday to Friday between 8am and 6pm. A house manager is allocated to the property, who would be in charge of the running of the proposed household as well as other Alabare properties. Their aim would be to help the residents achieve training, studying, work and going on to independent accommodation.

The application is accompanied by the following:

- Design and Access Statement.
- House Rules
- License Agreement
- Alabare Information Leaflet 'Wales Homes for Veterans – Supporting Homeless Veterans'

## **SITE APPRAISAL**

The proposed site is a two storey, detached property positioned to the west and rear of 17 to 37 Lanpark Road which are at a lower level. The property is set within its own grounds with existing parking facilities to the northern area of the plot and a garden area to the south. A turret style building is located in the most northern point of the application site which accommodates a garage and workshop.

The property has 6 double bedrooms, all with en-suites; lounge; dining room; kitchen/living area; a large conservatory; basement laundry room and a cloakroom.

The road to the west of the plot is at a significantly higher level than the application site. On the opposite side of this road are further residential dwellings set above and a former school (Coed-y-Lan) which is currently being converted into residential dwellings.

## **PLANNING HISTORY**

12/0915	The Grange, Tyfica Road, Pontypridd	Change of use of The Grange to a hostel (sui generis) to provide 10 no. accommodation units for young people (aged 16 to 24) along with support facilities. In addition, the construction of a new link building to provide a new entrance, reception and office space (90 sqm).	Refused 12/06/13  Appeal Allowed 31/10/13
09/0990	The Mount Guest House, 41 Lanpark Road, Pontypridd,	Change of Use from offices to guest house with live-in accommodation. Internal alterations, new conservatory to front elevation and re-building of lean-to at rear. (Amended plans received	Granted 12/11/09

23/10/09 - Alterations to boundary  
treatment, conservatory and parking  
layout)

85/1281	“	“	Office accommodation and car park	Objection 25/11/85
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## **PUBLICITY**

The application has been advertised via the erection of site notices and by direct neighbour notification. 32 letters of objection (from local residents and one from Pontypridd Town Council) and one of comment have been received at the time of writing this report and the objections are summarised below:

- The use should be re-classified as a hostel.
- It should be in the 'sui generis' category.
- The proposed use is not suitable for the area. It will totally change the character of what is a quiet, residential area that includes a nearby school and the Deaf Institute.
- There is a hostel (The Grange) only a couple of hundred yards away that will house young people with drink and drug problems. There are also other similar facilities in the surrounding area such as DrugAid on Gelliwastad Road, needle exchange on Penuel Lane, Mill Street Homeless Hostel, Probation Service on Sardis Road, The Morning Star on The Graig and Women's Aid Hostels. Another would exacerbate problems within street and surrounding area. The town is at saturation point.
- Pontypridd is becoming the dumping ground for homeless people.
- There are instances of increased crime, bad language and other anti-social behaviour in the vicinity of other facilities such as The Morning Star. Residents do not let their children walk by the place because of fighting, drinking and other anti-social behaviour.
- Recent Joseph Rowntree Foundation research suggests that larger hostels of this type often result in residents acquiring more problems than they arrived with because of their association with residents with a wider variety of issues.
- A house of multiple occupation/hostel housing people with alcohol, drug, mental issues, ex-prisoners or sex offenders should not be placed with a hundred yards of a primary school. Our children would have to walk past the property every day.
- Children play in the street and their safety cannot be guaranteed that the occupants would not upset or abuse them.
- The area has a high number of vulnerable people such as the young, elderly and people from the deaf mission who would be at risk.
- It would result in increased crime and anti-social behaviour in the area.
- We pay a high price in council tax and it is not right these hostels should be set up in the vicinity.

- People leaving the armed services can have a number of drug, drink and mental health problems.
- Veterans need specialist care in surroundings tailored to their needs.
- Soldiers who have had Post Traumatic Stress Disorder can be unpredictable and violent. When mixed with military training and strength the results could be fatal.
- A report by the Howard league for penal reform states that military veterans are more likely to be convicted of sex offences than other people and more likely to commit violent offences.
- The local residents express fear and a sense of threat for their personal safety if the development were to go ahead. Many are considering moving.
- It would damage the local community.
- Concerned no staff at the property after 6pm weekdays and at the weekends.
- How would house rules be adhered to when there is no supervision.
- The facility would take other people not just veterans. The use of word 'veterans' is misleading.
- The number of people staying could rise above 6.
- The high turn over would increase the transient nature of the area and the insecurities of local residents.
- The garden overlooks my property and would result in privacy issues.
- It would result in increased noise and disturbance issues from people coming and going and at unsociable hours.
- The residents could use areas outside the house and garden for drinking and meeting.
- It would result in parking issues in the area.

## **CONSULTATION**

Land Reclamation and Engineering – no objection.

Police Authority – no objection. There are no current anti-behaviour issues in the area of The Mount. Without knowing the identifies of the people who will live there it is impossible to assess the impact on this issue. However the application details the people would be vetted and from the armed services. This is above the operation of bail hostels in the area and the application should not be judged on the same criteria.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, hours of operation during construction, noise, dust and waste. A licence would be required under the Council's Houses in Multiple Occupation Scheme.

Transportation Section – no objection subject to a condition to retain the parking area.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**Policy CS2** - promotes residential development which respects the character and context of Principal Towns of the Southern Strategy Area and places an emphasis on focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

**Policy AW1** - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

**Policy AW2** - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

**Policy AW5** - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

**Policy SSA13** - permits development within the defined settlement boundaries provided it does not adversely effect the provision of open space and car parking in the surrounding area, the land is not contaminated or subject to land instability and is accessible to local services by a range of modes of sustainable transport, on foot or by cycle.

## **Supplementary Planning Guidance**

Access, Circulation & Parking

## **National Guidance**

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

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

Other relevant policy guidance consulted:



PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Proposed Use**

The proposed use is residential and has been described in the application as a House in Multiple Occupation (for veterans of the armed services). There is no residential care proposed and therefore the use would not be in a C2 use class. The occupants would not likely to be living as a single household and therefore it is considered it would not be within a C3 use class. Therefore Members are advised this type of use is outside the normal use classes and would be a 'Sui Generis' use.

A number of objectors have pointed out the description should be 're-classified' as a hostel as in the 'The Grange' application. Whilst Members are advised that 'Houses in Multiple Occupation' covers a wide range of scenarios and that this proposal may have some similarities with a hostel (that houses groups such as the homeless); it is considered that the description would not need to be amended. The applicant has detailed residents would typically be there for 9-12 months and potentially longer, they would go through a vetting procedure before being offered a place at the premise, there would be no servicing in terms of laundry and food making and residents would be responsible for keeping the house clean and tidy. There would be little staff supervision with only support staff during the day time to help the residents manage day to day lives for example keeping appointments etc. The majority of the time the residents would use the accommodation as an independent place to live. Therefore from the information provided the use realistically comes somewhere between a House in Multiple Occupation and a hostel. Defining it as a hostel is considered would therefore not be needed and is not considered necessary.

### **Principle of the proposed development**

The proposal is for a residential use (house in multiple occupation) within an established residential area of Pontypridd. The property has previously been used as offices and most recently as a guest house. It is thought originally the site would have been a single dwelling and visually the property mainly retains a residential character including a garden area and garage. The main alteration to this character

could be argued is the relatively large car parking area at the rear, however this is not significant.

In policy terms, the building is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. It is also easily accessible from Pontypridd Town Centre and the local facilities this provides and therefore fulfils a number of the policy criteria required for a sustainable location.

Therefore the principle of a residential use of this land would be acceptable subject to the following material planning considerations.

**Increase risk and fear of crime and anti-social behaviour**

A significant number of objections to the proposed use have been raised with regard the potential occupants and that the proposed use would result in increased crime and anti-social behaviour in the area. Further concern has been highlighted with regard the increased number of this type of facility within the Pontypridd area and the resulting cumulative impact on community safety and the character of Pontypridd.

Alabare detail the proposed use of the premise is for armed services veterans who have come out of service and find it difficult to adjust to civilian life and are homeless. This could have arisen from a number of factors. They also detail the residents of the property may have potential issues with regard to drug and alcohol addiction, mental health issues and social and relationship issues. Indeed there is also potential for the occupants to have previously been in prison.

Notwithstanding this the aim of the charity is to help support these individuals get back to education, work and ultimately move on to a more independent form of living. The residents are vetted, have to agree to the house rules and sign a license agreement. From discussion with Alabare's agent about the type of use being proposed, it was detailed residents who did not fit in with the aims of the charity, license agreement and house rules would be moved on.

Objectors have pointed to a number of other similar residential establishments in the area including 'The Grange' which is having a cumulative impact on community safety in the Pontypridd area. They also detail the new proposal would further worsen the situation.

'The Grange' is in relatively close proximity to 'The Mount'. As Members will be aware this has not started operating yet and is currently undergoing refurbishment in relation to the recently permitted use as a 'sui generis' hostel (12/0915). Members are advised that the inspector for the appeal for 'The Grange' application concluded, "based on the evidence before me now that the proposal would not increase crime and anti social behaviour or increase noise and disturbance in relation to nearby residents and community based facilities."

Members are advised 'The Grange' appeal was made to the Planning Inspectorate as the Local Planning Authority refused planning permission based on similar objections that have been raised as a result of the public consultation exercise for this application. These are that:

- (i) The future occupants of the development would harm the character of the area and the quiet enjoyment experienced by local residents.
- (ii) On the basis of fear that the development would result in an increase in noise, disturbance, and crime and anti social behaviour resulting in a harmful effect on the local school, vulnerable adults, local children and the Glamorgan Mission to the Deaf.
- (iii) The development would increase fear amongst the local community exacerbating problems associated with crime and anti social behaviour in the area.

The Inspector for the appeal considered that these matters are linked issues and summarised under the heading of the second issue.

The Inspector summarised in the decision for 'The Grange' that, "public concerns about a development in the terms expressed above may be justified if there is a history of disturbing behaviour of a particular use of land, and if established as an objective concern, that the impact of this conduct would interfere with the reasonable use of adjoining land, but only where there is evidence that such consequences would occur. Furthermore, fears and concerns of public safety are objectively justified where there is an increased risk of danger which in turn is a matter of judgement over the acceptability of different degrees of risk."

Objectors have provided some information on crime and anti social behaviour associated with residential hostels in Pontypridd (including the Mill Street Hostel and The Morning Star in the Graig). Further details have been provided with regard an instance where a soldier (being treated for anxiety and depression) in the USA shot dead three colleagues and injured 16 others before killing himself. Whilst such instances are not welcomed, it is considered this type of behaviour has not been fully substantiated in terms of their connection to existing residential establishments in the area and the connection to occupiers of the proposed dwelling. It is considered that the character of the proposed home would be somewhat different as the aim of the charity is to support the residents to get back to education, work and move on to independent accommodation.

On the issue of supervision there is little supervision at night and weekends and residents have raised this as a concern. Although residents of the proposed dwelling may have issues, the purpose of the use is not one of a secure residential institution where 24 hour care is provided. It is a dwelling for the individuals to be supported to civilian life and become more independent. Objectors have argued that veterans of the armed services may be a greater risk to the public due to the issues they experience. It is however considered conclusive evidence, in respect of the

occupiers, has not been submitted to establish this as being the case or that would justify a refusal of the application on this issue.

Whilst acknowledging the concerns of residents and having regard to the Inspector's comments in the Grange appeal, Member's are advised that Alabare has indicated its willingness to accept a condition requiring a Management Plan to be submitted and approved by the Council. Such a Plan would set standards for the future operation of the facility and the establishment of a community forum allowing local residents to raise issues on how the facility is run.

As such it is considered there is little convincing evidence that the proposed use would result in a detriment to the character of the area and there is no substantiated evidence between the potential occupiers of the site and that they would increase crime and anti social behaviour in the area. Alabare have detailed the facility would be managed and the occupants would be vetted before they are given a place to ensure they are suitable for the accommodation. The residents will have to sign a license agreement and abide by the house rules or risk being moved out. Other sites mentioned also have different characteristics to the proposed and are different in terms of provision.

On the issue with regard the fears and concerns for public safety in relation to school children, vulnerable adults and visitors of the community facilities such as the Glamorgan Mission to the Deaf the inspector for 'The Grange' appeal detailed that these, "are not objectively justified....because the correlation between potential residents of the proposed facility and of any disturbing behaviour has not been established by any statistical information relevant to the particular area in which it would be situated. As a consequence there is a paucity of evidence to show that there is an increased risk of danger, let alone establish that the risk would be exacerbated." Therefore Members are advised in this instance the issue would be the same and this should not justify a refusal reason.

In summing up the above, the concerns and objections of the local residents are recognised and noted and the cumulative impact of this type of residential establishments is considered a material consideration. However, it is considered that sufficient justified evidence has not been provided to demonstrate that this proposal would result in increased crime and anti-social behaviour in relation to this proposal and the cumulative impact taken with existing establishments. Therefore it is considered a refusal reason based on this issue is not warranted.

### **Impact on residential amenity and privacy**

In respect of the impact on residential amenity the property has previously been used as offices and as a guest house. Objections have been raised with regard to loss of privacy and to noise and disturbance from increased comings and goings from the property. The property is a large dwelling and its use for 6 residents (including coming and going of support staff during the day) is considered would not increase significantly the impact on surrounding residents taking into account the

existing and former uses of the property. Furthermore any overlooking would not be significantly different to the previous use as a guest house.

Therefore taking this into account it is considered the development would not result in a significant loss of amenity to neighbouring residents.

### **Impact on the character and appearance of the area**

There are no proposed changes to the building externally and internally. Potentially the use may result in more cars parking at the property. However this is not considered would result in a significant visual impact on the character of the building or surroundings. Therefore this issue would not warrant a refusal reason.

### **Access and highway safety**

The property benefits from a large parking area for 7 cars at the rear. It also has a garage which opens on to Lanpark Road. An objection has been raised from the public consultation exercise that it would result in increased parking issues in the area. No objection has been raised from the Transportation Section 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:

### **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. With regard to the requirement of a restriction on hours of construction it is considered a condition would not be necessary as limited works would be required in the change of use highlighted on the plans.

### **Property Values**

With regard the issue raised from the public consultation exercise that the value of properties would be affected by the proposal, Members are advised this is not a material planning consideration that could be used to determine the application.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, impact on residential amenity and privacy and access and highway safety (Policies AW2, AW5, AW6 and Policy SSA13).

### **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 91 and 93 of the Town and Country Planning Act 1990.

2. The premises shall be used as a house in multiple occupation to provide accommodation for no more than 6 veterans of the armed services and shall not be used for any other purpose.

Reason: To clearly define the nature and scale of the use of the premises hereby approved in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. Prior to the beneficial occupation of the development hereby approved, a Management Plan for the operation of the premises shall be submitted to, in writing and approved by the Local Planning Authority. The Plan shall include the following:

- a) contact details for the duty manager;
- b) details of the general house rules relating to the conduct of residents;
- c) arrangements for the establishment of a community forum;
- d) a procedure for local residents to contact the facility manager; and
- e) The use of the premises shall be operated in accordance with the approved Management Plan.

Reason: To ensure the operation is run appropriately and in the interests of the living conditions of nearby residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The parking area identified on the Site Plan received on the 18<sup>th</sup> March 2014 shall be 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.

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<b>APPLICATION NO:</b>	<b>14/0203/10</b>	<b>(MF)</b>
<b>APPLICANT:</b>	<b>Mr &amp; Mrs Wells</b>	
<b>DEVELOPMENT:</b>	Raise existing ridge height to create first floor	

**LOCATION:** accommodation and two storey rear extension  
**94 CHURCH ROAD, TONTEG, PONTYPRIDD, CF38**  
**1EW**  
**DATE REGISTERED:** 03/03/2014  
**ELECTORAL DIVISION:** Tonteg

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**RECOMMENDATION:** Approve

**REASONS:**

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

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**APPLICATION DETAILS**

Full planning permission is sought for the conversion of 94 Church Road, Tonteg from a bungalow to a two storey dwelling including a two storey extension to the rear.

The bungalows existing ridge line would be increased from 5 metres to 6.7 metres in height to accommodate additional living space at first floor level. A gable and two dormers features would be incorporated in the design to allow for 3 first floor bedroom windows within the front elevation. The resulting building would be to the same height as the adjacent property no. 92.

A two storey extension would be constructed to the rear of the dwelling in order to accommodate the proposed internal alterations and the additional living space at the property. The extension would measure 5.4 metres in depth by 7.2 metres in width and would incorporate a pitched roof design to 6.5 metres in height.

It is proposed that all aspects of the scheme be finished in external materials to match the existing dwelling.

**SITE APPRAISAL**

The application property is a detached bungalow situated on one of the main highways through Tonteg. The dwelling is set back from and at a higher level than the highway with a large hardstand area to the front set at street level. The dwelling is sited at a comparable ground level to the adjacent residential property to the east no. 92, but 0.5 metres higher than no. 96 to the west. A driveway runs to the eastern side of the dwelling that leads to an enclosed garden at the rear where a detached garage and conservatory are located. Neighbouring properties vary in design and scale being a mixture of detached two storey dwellings and bungalows.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the application site within the last 10 years.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification. One letter of objection has been received from the occupiers of 22 Llanberis Close opposite making the following comments (summarised):

- The additional living space at first floor level would increase overlooking into the objectors property and its rear amenity space.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

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

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

### **National Guidance**

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

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.



## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the Proposed Development**

The application relates to the extension of an existing residential property. The principle of the development is therefore acceptable, subject to the criteria identified below.

#### **Visual Impact**

The proposed roof extension would notably alter the appearance of the original property given that the existing ridge line would be raised by 1.7 metres and that a gable feature and two dormer windows would be incorporated within the resulting dwellings principle elevation. However, with surrounding neighbouring properties all being of a varied design and scale, there is no set pattern of house or roof types within the locality. Additionally the new ridge height would not exceed that of the adjacent property no. 92 and would only exceed that of no. 96 by 0.6 metres due the difference in ground levels between the two properties. The proposed dormer extensions are limited in scale and it considered that with the use of appropriate materials will not be overly prominent within the wider street scene given that several of the neighbouring properties have dormer windows similar in design and scale to that proposed. As such, it is not considered the proposal would have a significant impact upon the street scene along Church Road.

It is also acknowledged that the proposed two storey rear extension represents a significant addition to the property. However, the extension would respect the existing building line of the host property and would incorporate a sympathetic pitched roof construction that would respect the same angle and degree of that of the newly extended dwelling. Furthermore, all aspects of the development would be finished in materials to match that of the existing property which will ensure they are in-keeping with the original dwelling.

Therefore, on balance, the proposal is considered acceptable in terms of its scale, design and overall appearance having no significant impact on the character and appearance of the existing property or surrounding street scene.

### **Residential Amenity**

Given the scale of the proposed works, there is some concern that the development would be somewhat overbearing when viewed from the adjacent dwellings. However, with the increase in the height of the ridge line not exceeding that of no. 92 and only exceeding that of no. 96 by 0.6 metres, given the separation distances between the application dwelling and the adjacent properties it is not considered that the impact would be so harmful as to warrant refusal of the application.

It is acknowledged that the increase to the ridge and the incorporation of first floor windows could potentially result in an additional perceived level of overlooking. However, given the relationship of the application dwelling and the two adjacent properties a degree overlooking already occurs. Furthermore, there is a distance of over 40 metres between the application property and the rear elevations of the properties to the front within Llanberis Close. An obscure bathroom window would be sited within the eastern side elevation of the extension at first floor level. Due to the nature of this window it is not considered that there would be an increase in the amount of overlooking impact that currently occurs at the site. It is however considered a condition should be added to any approval to ensure the window remains obscure in nature in future. As such, it is not considered that the actual level of overlooking would be significantly greater than the impact currently experienced from the existing arrangement at the site.

It is therefore considered that the proposed development would not be so harmful to the amenity or privacy of the surrounding neighbours as to warrant the refusal of the application.

### **Conclusion**

It is acknowledged that the proposed extensions would form significant additions to the host bungalow and given its siting the resulting dwelling would form a visible feature in the street scene along Church Road. However, due to the variety of house types along Church Road it is not considered the development would impact upon the character and appearance of the application dwelling or the surrounding street scene to a degree that would warrant the refusal of the application. Furthermore, it is not considered the proposed development would have a significant impact upon the residential amenity and privacy standards currently enjoyed by the neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

### **RECOMMENDATION: Grant**

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

five years from the date of this permission.

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

2. The external materials of the proposed extensions shall match as near as possible the materials of the original dwelling house.

Reason: To ensure that the works are 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed without the prior express permission of the Local Planning Authority.

Reason: To safeguard the residential amenity and privacy of the neighbouring property in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the extension, hereby permitted, being brought into use, the first floor window within the eastern side elevation shall be glazed with obscure glass, details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The window shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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<b>APPLICATION NO:</b>	<b>14/0204/10</b>	<b>(GW)</b>
<b>APPLICANT:</b>	<b>Mr A Richards</b>	
<b>DEVELOPMENT:</b>	Extension and alterations to existing building for its use as a church hall to incorporate a new cafe, admin offices, meeting rooms, Sunday school and flexible spaces for community use (Amended description, plans and further supporting information received 1st April 2014).	
<b>LOCATION:</b>	<b>HOPE CHURCH, HIRWAUN ROAD, TRECYNON, ABERDARE, CF44 8ED</b>	
<b>DATE REGISTERED:</b>	<b>01/04/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Aberdare West/Llwydcoed</b>	

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## **RECOMMENDATION: Grant**

### **REASONS:**

**The extension is to an existing building used as a Christian meeting room and within the settlement boundary. The extension and alterations would result in a considerable visual improvement of the existing building and would benefit the character of the area. Sufficient parking would be provided and there would be no significant detrimental impact on the amenity of surrounding residents and on ecology.**

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### **APPLICATION DETAILS**

Full planning permission is sought for extensions and alterations to an existing building used as Christian meeting room. The resulting building would be used mainly as a church with a Sunday service normally starting at 11am until 1pm. The building would also incorporate meeting rooms, a café, and admin offices. The types of activities would include a Sunday school, flexible spaces for community uses and mother and toddler groups throughout the week.

The extensions would mainly be to the front south-west and south-east side of the building. In addition a first floor would be introduced over the south eastern corner and a ground floor store area on the rear. A central tower would be incorporated over the building, which would be a maximum of 10.3m in height. The ground floor would be rendered, the first floor clad in larch and the tower would be covered in a decorative tile. First floor windows on the south-east side elevation would be obscurely glazed.

The ground floor would have a main hall area including a stage and seating which could cater for a maximum of 170 people. A large lobby and café area would be provided with male and female toilets, a crèche, pastor's office and an admin area. The first floor would include a meeting room and a teaching/meeting room that could be used as a large room or split into 2 or 3 smaller areas. A tea area and toilet would also be provided.

The café would mainly serve users of the facility; however it would also be open to the public. The opening hours would be 9:00am to 9:00pm. The café would serve mainly tea/coffee, cake and possibly sandwiches and rolls. The applicant details a flue would not be required as cooking and frying would not be a service provided.

Externally the front brick boundary wall would be reduced to a 300mm low wall and 600mm high railings would be introduced above. 24 parking spaces would be laid out within the curtilage of the site and some areas of landscaping would be provided. No other alteration to the existing boundary treatment is being proposed. Bike stands (for 12 bikes) are detailed near to the entrance of the church.

The application is accompanied by the following:

- Design and Access Statement.
- Supporting information including a sun path assessment.

## **SITE APPRAISAL**

The proposal site currently houses a single storey meeting hall and parking area for the building. The site is set at a higher level than the properties of the adjoining street, Ash Grove which is to the rear of the site. The properties of Giles Court to the east are also at a lower level than the application site.

There are several different property types in the area, which is predominantly residential in character. Buildings include bungalows to the rear of the site, and terraced properties and semi-detached properties along Hirwaun Road.

## **PLANNING HISTORY**

11/0615	Meeting House, Hirwaun Road, Trecynon	Demolition of meeting hall and construction of 4 pairs of semi detached houses, 1 detached bungalow and a private drive	Refused 01/08/201
92/0037	Land adjacent 39 Hirwaun Road, Aberdare	Christian meeting room	Granted 10/03/92
91/0629	Land adjacent 39 Hirwaun Road, Aberdare	Christian meeting room	Granted 11/02/91
83/0272	Broniestyn Lane Meeting Room, Broniestyn Lane, Aberdare	Proposed extension	Granted 22/06/83

## **PUBLICITY**

The application has been advertised via the erection of a site notice and by direct neighbour notification. Four letters of correspondence have been received including three detailed as being comments and one of objection. The comments and objections are summarised below:

- Do not object to the church use itself.

- The fence between the site and Ash Grove is dilapidated and needs repairing/replacing. It has never been maintained properly. It should be replaced with an appropriate boundary to the same height and length as the present.
- The fence is a health and safety risk and may result in cars falling into the gardens of properties on Ash Grove, which are at a lower level.
- The fence protects our privacy.
- The windows on the rear and south-east side elevation are concerns. It would infringe on privacy rights of properties on Ash Grove.
- Concerned events would infringe on our quiet residential area from traffic and public noise.
- Increased number of cars would result in more pollution and health and safety risks to children playing in street.
- The tower may result in a loss of sunlight.

## **CONSULTATION**

Countryside, Landscape and Ecology – the pictures submitted detail the building has a low potential for bats and it would not be reasonable to require a further bat survey. A bat informative note is recommended.

Land Reclamation and Engineering – no objection.

Public Health and Protection – no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust, waste, cooking odour and fat, oil and grease disposal.

Transportation Section – the existing hall requires 21 spaces and the proposed requires a maximum of 33. 24 spaces are proposed and there is potential for 2 additional spaces. No objection has been raised subject to conditions including a vehicular containment to the north-east car park area.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The site is within settlement boundaries as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

**Policy CS1** - sets out criteria for achieving strong sustainable communities including, promoting residential development in locations which support the role of principal

towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market.

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

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

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

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

### **Supplementary Planning Guidance**

Access, Circulation & Parking

Design and Placemaking

Nature Conservation

### **National Guidance**

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

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), and Chapter 12 (Infrastructure and Services) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 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.

### **Principle of the proposed development**

The building was used as a Christian meeting room and that was granted planning permission in 1992. The proposed development would extend the building and the type of use to include similar related uses such as a church, group and community meeting place and it also includes a café area which would be open to the public. It is considered these types of uses are compatible with the existing use of the building and the general character of the surrounding area.

The site is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan and is also at a sustainable location; i.e. within a residential area and close to public transport links.

Therefore the principle of the proposed development would be acceptable subject to the following material planning considerations.

### **Impact on the character and appearance of the area**

The existing building is a standard brick constructed building set within a relatively large plot. The proposal would significantly improve the visual appearance of the building and it is considered such a building would be a benefit to the wider character of the area. Therefore it is considered the proposal would have an acceptable impact on the character and appearance of the building and the area as a whole.

### **Impact on residential amenity and privacy**

The main impact would be the potential intensification of the use in terms of noise and disturbance and the impact of the alterations to the building on the amenity of the surrounding residents.

It is likely that the proposal could result in a greater intensity of use of the building (to that previously approved) due to the increased size and the wider types of use being proposed. This could result in increased noise and disturbance to residents from the coming and going to and from the site and from the different religious and community uses and activities that would potentially be carried out. This issue has been raised from the public consultation exercise as an objection to the proposal.

Members are however advised the previous use as a Christian meeting room was not restricted by hours of use or any other similar conditions and this use could have resulted in similar issues to this proposal. Furthermore the proposed car park layout would not increase the maximum number of cars at any one time at the site and therefore would not significantly increase the coming and going of vehicles. The applicant has detailed that most meetings would be in the day and evening time,



however there would be occasional later church meetings at specific times of the year (for example at Christmas time). Members are advised this could have been similar to the existing use and would be similar to other religious establishments. A restriction of opening hours could potentially reduce the impact of the proposed use, however it is considered a general restriction of opening hours could therefore be too restrictive for this type of use. Furthermore, Members are advised that no objection has been raised from the Public Health and Protection Section to the proposal. The applicant has detailed the café could be open from 9:00 to 21:00. It is considered an unrestricted café use could potentially result in significant comings and goings at unsociable hours resulting in significant noise and disturbance to local residents. Therefore Members are advised, if permission is granted, it is recommended a condition restricting opening hours of the café would be appropriate.

In summing up this issue it is considered, taking into account the above assessment, this proposal would not result in a significant detrimental impact on residential amenity from noise and disturbance that would warrant a refusal reason.

The increased size of the building and other alterations proposed could also result in a loss of sunlight and overbearing issues. The main impact would be on the properties on Ash Grove, which are on a lower level to the site. Concerns have been raised, from the public consultation exercise, with regard these issues and particularly about the tower. Members are advised the tower would only be a maximum of 10.3m in height and that the surrounding properties are of sufficient distance away so that there would be no significant impact from loss of sunlight or overbearing.

With regard to overlooking issues, the first floor area would have windows on the rear elevation serving meeting rooms and on the south-east side elevation serving a toilet and a tea room. Concerns about overlooking have been raised by local residents as a result of the public consultation exercise. The windows on the side elevation would be 15m away from the rear of properties on Giles Court. It is also proposed to obscurely glaze these windows and they only serve a toilet and small tea room. As a result it is considered the impact would be acceptable. Turning to the windows on the rear elevation these would be approximately 16m from the rear of 23a Ash Grove. Due to the difference in ground levels there could be potential for overlooking. However the existing fence to the rear boundary of the site could screen views to the affected residents. The applicant has submitted a cross section detailing floor levels, the rear boundary fence and the window of 23a which seemingly confirms this. It is considered if permission were to be granted privacy would be secured by the existing fence and the retention and maintenance of a suitable fence on this boundary should be required. Details of this could be obtained by a suitably worded condition.

Therefore taking the above into account, it is considered the development would not result in a significant loss of amenity to neighbouring residents.

### **Access and highway safety**

The existing access would be utilised with some amendments to the front boundary wall to improve visibility. The existing parking area is the open paved area around the building. The proposal is to formalise the parking area with 24 no. spaces. An objection has been raised from the public consultation exercise that the use would result in increased traffic to the detriment of highway safety. No objection has been raised by the Transportation Section and this issue is considered acceptable. A further objection has been raised relating to the potential for vehicles to break through the rear boundary fence when parking and that this would be a health and safety issue for residents of Ash Grove. The Transportation Section has suggested a condition requiring a vehicle containment barrier to prevent this. Members are advised the provision of the barrier could be obtained by a suitably worded condition if permission were to be granted.

### **Impact on ecology**

The existing building would be extended and altered. The Council's Ecologist has assessed the application and the submitted information. He considers the building is of low potential for bats and does not object.

### **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.

### **Fence**

The future maintenance of the rear boundary fence has been raised as an issue by neighbours as in their opinion it is dilapidated and should be replaced. On inspection, the fence seems in relatively good condition; however a few areas may need some remedial attention. If permission were to be granted and taking into account the importance of the maintenance of the fence for the protection of privacy, a condition to retain and maintain a fence in perpetuity is suggested.

### **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.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on the character and appearance of the area, the impact on residential amenity and privacy and the impact on ecology (Policies AW2, AW5, AW6 and Policy AW8).

### **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 91 and 93 of the Town and Country Planning Act 1990.

2. The development, hereby approved, shall be carried out in accordance with the approved plans and amended plans received by the Local Planning Authority on 25<sup>th</sup> February 2014 and 1<sup>st</sup> April 2014.

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

3. The café use hereby permitted shall not be open to the public between the hours of 21:00 hours and 09:00 hours.

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

4. Building operations shall not be commenced until samples/details of the render, tiles, wooden cladding and windows 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.

5. The finished floor levels of the extensions hereby approved shall be constructed in accordance with drawing no. 336-08 received on the 1<sup>st</sup> April 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the extension, hereby permitted, being brought into use, the toilet and tea room windows in the first floor south-east side elevation shall be glazed with obscure glass details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The window(s) shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no windows or roof lights (other than any hereby permitted) shall be installed above ground floor ceiling height without the prior express permission of the Local Planning Authority.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. A fence along the rear boundary with properties on Ash Grove shall be retained and maintained in perpetuity in accordance with details to be first submitted to and approved in writing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policy AW5 and AW10 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 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.

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 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.

11. Prior to the first beneficial use of the extension hereby granted, drainage works shall be completed in accordance with details that have been first 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 AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. 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 Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. 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 site plan number 336-08A and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking and turning of vehicles.

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

14. Details in relation to vehicle containment shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to the first beneficial occupation of the development hereby approved.

Reason: To ensure that vehicles are contained within the development site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

16. Before the development is brought into use cycle stands shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable modes of transport and reducing car dependence in accordance with Policy AW5 of the Rhondda Cynon Taf

Local Development Plan.

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

- (i) Monday to Friday 0800 to 1800 hours
- (ii) Saturday 0800 to 1300 hours
- (iii) 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.

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<b>APPLICATION NO:</b>	<b>14/0269/10</b>	<b>(KL)</b>
<b>APPLICANT:</b>	<b>Mrs D Lowe</b>	
<b>DEVELOPMENT:</b>	Replacement conservatory (retrospective)	
<b>LOCATION:</b>	<b>66 PRIMROSE STREET, TONYPANDY, CF40 1BQ</b>	
<b>DATE REGISTERED:</b>	<b>22/04/2014</b>	
<b>ELECTORAL DIVISION:</b>	<b>Tonypandy</b>	

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**RECOMMENDATION: Approve**

**REASONS:**

**Although one objection has been received, the visual impact of the proposed extension and its impact on the amenity and privacy of the neighbouring property is not considered sufficiently harmful to warrant its refusal.**

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**APPLICATION DETAILS**

Retrospective planning permission is sought for the retention of a replacement conservatory at 66 Primrose Street, Tonypandy.

The application represents a number of alterations to a previous uPVC conservatory structure located on the north-eastern facing rear elevation of the property. The current structure has been positioned above an existing built-up platform (built at the time of the previous conservatory) and measures 3.5 metres in width by 3.5 metres in depth. It has a hipped roof design measuring a maximum of 4.3 metres in height from garden level, sloping to 3.5 metres at its eaves. The uPVC frame has been

replaced with facing brick pillars, a concrete tiled roof and white uPVC windows and doors.

## **SITE APPRAISAL**

The application site is a two-storey, mid-terraced dwelling located within a residential area of Tonypandy. The property directly fronts the footway to the front with an enclosed garden and detached garage to the rear. The garden is at a lower level to the rear of the property and is accessed by a number of steps down from the rear elevation to garden level. The conservatory that is the subject of this consent has been constructed above a previously built up platform which is within close proximity to the common boundary with no. 65 Primrose Street. Neighbouring properties are all of a similar scale and design with a number being extended to in various ways.

## **PLANNING HISTORY**

13/1242	66 Primrose Street, Tonypandy	Lawful Development Certificate application for conservatory alterations to include a PVC and brick structure with a tiled roof	Not Lawful 17/02/14
94/0799	66 Primrose Street, Tonypandy	Two storey kitchen/bathroom extension and conservatory	GTD 20/02/95
91/0637	66 Primrose Street, Tonypandy	Garage, bathroom and kitchen extension	GTD 23/09/91

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters. One letter of objection has been received from the occupier of No. 65 Primrose Street and is summarised as follows:

- The structure has been constructed to overhang the boundary of no. 65 and will cause water damage to the objector's property.
- It causes considerable overshadowing - it prevents natural daylight from falling onto no.65, especially in the morning.
- The elevated position of the structure and position of the windows causes a loss of privacy to the occupiers of no. 65.
- The structure is not suitable for the area in which it has been built.
- The structure is much larger than the previous uPVC conservatory with a much higher roof height
- The structure is oppressive and adversely affects the enjoyment of being in the rear garden of no. 65.

## **CONSULTATION**

None undertaken.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

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

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

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

### **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 4 (Planning for Sustainability), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

PPW Technical Advice Note 12: Design;

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the proposed development**

The application relates to the extension of an existing residential property and the principle of development is therefore acceptable subject to the criteria set out below.



### **Impact on the character and appearance of the area**

The structure is sited above an existing built-up platform to the rear of the property, replacing a previous uPVC conservatory of a similar scale. Whilst the structure is in an elevated position, it has been constructed from materials to match the existing property and it is therefore not considered to form an overly prominent feature to the property. Measuring a maximum of 4.4 metres in height from ground level, the extension is considered to be a sympathetic and subservient addition, having a limited impact on the character and appearance of the existing property. A number of properties have been extended within the immediate vicinity, varying in both scale and design, and it is not considered that the extension would have an adverse impact on the surrounding area. It is acknowledged that the current structure is slightly higher than the previous conservatory, however, this is a minimal difference of 0.3 metres and is not considered to have such an adverse impact on the overall visual appearance of the property as to warrant the refusal of the application.

### **Impact on residential amenity and privacy**

With regards to the impact on residential amenity and privacy, it is acknowledged that the structure does cause some overshadowing on the adjoining neighbour to the north-west (no. 65). However, this would predominantly be limited to the small platform area immediately adjacent to an existing single storey rear extension and it is not considered that the impact would be so significant as to warrant the refusal of the application. Additionally, the structure replaces a previous conservatory structure at the site and it is not considered that the level of overshadowing would be significantly increased over that which would have occurred previously. The occupier of no. 65 has raised concern that the extension is oppressive in nature when viewed from the rear amenity space of the property, and has an adverse impact on the residential amenity of its occupants. However, the extension projects just 3.5 metres from the rear elevation of the property with a maximum eaves height of 3.5 metres at the boundary with this property and this is considered to be of a limited scale, having a minimal overbearing impact on the residents of no. 65.

It is acknowledged that there is some overlooking on the rear amenity space of no. 65, however, the windows along the common boundary are of obscured glass and are considered to be satisfactory in limiting the overlooking impact on this property. The window arrangement to the rear elevation does create views into the rear amenity space of the adjoining properties with one window adjacent to the boundary with no. 65 being of particular concern. It is considered that a condition requiring this window to be finished with obscured glass to match the existing windows within the north-western elevation would minimise the level of overlooking on this property and would protect the privacy of the residents of no. 65.

### **Other**

The occupier of no. 65 Primrose Street has raised concern that the extension has been constructed to overhang the boundary with the adjoining neighbour and that this will cause water damage to the existing single storey extension at no. 65. Whilst this point is appreciated, it is not a material planning consideration in the determination of the application and any issues that arise following any consent of the application are a private matter between the applicant and the occupier of no.65.

## **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5 and AW6).

## **RECOMMENDATION: Grant**

1. The windows (total of 3) in the north-eastern side/rear elevation of the extension), hereby permitted, shall be glazed with obscure glass, within 3 months of the date of this consent details of which shall first be submitted to and agreed in writing by the Local Planning Authority. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy AW 5 Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>14/0290/15 (HL)</b>
<b>APPLICANT:</b>	<b>Persimmon Homes</b>
<b>DEVELOPMENT:</b>	Variation of Conditions 3, 5, 16, 18, 19, 26, 27, 30, 31, 35, and 42 of planning approval; 12/1313/10 to allow for a phased development of the site (Residential Development of 276 houses) (Amended description 02/04/2014 to accommodate additional conditions 3 (landscaping details), 30 (boundary treatment) and 31 (external materials))
<b>LOCATION:</b>	<b>DUFFRYN BACH FARM, STATION ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1AH</b>
<b>DATE REGISTERED:</b>	<b>02/04/2014</b>
<b>ELECTORAL DIVISION:</b>	<b>Church Village</b>

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**RECOMMENDATION: Approve, subject to the applicant entering into a S.106 Agreement**

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## **REASONS:**

**The variations proposed to the conditions are considered acceptable and will enable the development to be carried out in two stages. The site is an allocated housing site within the adopted Local Development Plan and the principle of housing development on the site was considered acceptable under the provisions of the original application ref: 12/1313.**

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## **APPLICATION DETAILS**

Full planning permission has recently been approved for a residential development (276 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works (ref: 12/1313).

This application seeks to vary conditions 3, 5, 16, 18, 19, 26, 27, 30, 31, 35, and 42 of the consent to allow the development to be carried out in phases. The conditions relate to the following matters:

Condition 3 – Landscaping Scheme and Management Plan.

Condition 5 - 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.

Condition 16 - Full drainage details.

Condition 18 - Measures to control groundwater issues from retaining walls.

Condition 19 – Method statement for excavation, installation and restoration of drain runs through the Site of Importance for Nature Conservation.

Condition 26 - 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.

Condition 27 – Details of the private shared accesses including turning facilities.

Condition 30 – Boundary treatment to be erected.

Condition 31 – Schedule and plan of finishing materials.

Condition 35 - Existing and proposed levels (including sections where relevant and slab levels).

## Condition 42 - Hydrological Impact Assessment.

The applicant wishes to amend the wording of each condition to state the following:

### Condition 3

Notwithstanding the submitted details, prior to the commencement of each phase of the development, 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:

1. A review of the plans landscape and ecological potential and constraints;
2. Species composition;
3. 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');
4. Pre-construction tree and hedgerow works;
5. Detail, extent and type of new planting;
6. Method statements for site preparation and establishment of target habitat features;
7. Techniques and methods of vegetation establishment;
8. Personnel responsible for the work;
9. Timing of the works;
10. Disposal of waste arising from the works;
11. Details of maintenance and monitoring regimes;
12. Details of any new habitat created on site;
13. Details of treatment of site boundaries and/ or buffers around water bodies;
14. Details of management responsibilities and provision of appropriate funding.

### Condition 5

Prior to the commencement of each phase of the development 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 shall be 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.

### Condition 16

Notwithstanding the submitted details, prior to the commencement of each phase of the development full drainage details shall be 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.

#### Condition 18

Notwithstanding the submitted details (and in conjunction with Condition 14), prior to the commencement of each phase of the development measures to control groundwater issues from retaining walls 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.

#### Condition 19

Prior to the commencement of each phase of the development a method statement for excavation, installation and restoration of drain runs through the Site of Importance for Nature Conservation 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.

#### Condition 26

Notwithstanding the submitted plans, prior to the commencement of infrastructure work related to each phase of the development 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 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.

#### Condition 27

Prior to the commencement of each phase of the development details of how the private shared accesses including how turning facilities shall be laid out, constructed and drained shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

#### Condition 30

Prior to the commencement of each phase of the development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. 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.

#### Condition 31

Notwithstanding the submitted details, prior to the commencement of each phase of the 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.

#### Condition 35

Notwithstanding the submitted details, prior to the commencement of each phase of the development 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.

#### Condition 42

Notwithstanding the submitted details, prior to the commencement of each phase of the development the Local Planning Authority shall approve in writing a Hydrological Impact Assessment which shall include 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.

It is noted that the details of the application are not being considered as part of this application, only the principle of amending the relevant conditions to allow a phased development.

## **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 previous relevant application approved for the site is as follows:

12/1313/10	Residential development (276 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works	Grant 21/02/2014
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## **CONSULTATIONS**

Land Reclamation and Engineering – no response at the time of writing the report.

Transportation Section – no objections.

Public Health and Protection – no objections.

Countryside, Landscape and Ecology – no objections.

Natural Resources Wales (NRW) – no objections.

Housing Section – no objections.

## **PUBLICITY**

The application has been advertised via direct neighbour notification and site notices. One letter has been received which raises objections relating to the principle of the development. It is considered that the issues raised have been considered under the provisions of the approved application for full planning permission (ref: 12/1313). The letter is summarised as follows for information purposes:

- Concerns regarding the impact of the development on highway safety and traffic.
- Concerns relating to loss of privacy as a result of more people living in the area as well as more pets which could increase public health problems as a result of dog fouling.

## **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.

The key considerations in determining this application are whether the information provided with the submission is sufficient to justify amending the relevant conditions to allow the development to be phased into two areas. Each condition will be addressed individually:

### Condition 3

It is not considered that the proposed amendments to condition 3 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the landscaping details and therefore no objection is raised to the amended wording suggested by the applicant.

### Condition 5

It is not considered that the proposed amendments to condition 5 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the 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 and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 16

It is not considered that the proposed amendments to condition 16 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the full drainage details and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 18

It is not considered that the proposed amendments to condition 18 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the measures to control groundwater issues from retaining walls and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 19

It is not considered that the proposed amendments to condition 19 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the method statement for excavation, installation and restoration of drain runs through the Site of Importance for Nature Conservation and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 26

It is not considered that the proposed amendments to condition 26 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the full engineering design and details of the internal road layout and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 27

It is not considered that the proposed amendments to condition 27 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the details of how the private

shared accesses including turning facilities and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 30

It is not considered that the proposed amendments to condition 30 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the details of the boundary treatment and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 31

It is not considered that the proposed amendments to condition 31 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the details of the external materials and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 35

It is not considered that the proposed amendments to condition 35 to allow a phased development will have a detrimental impact on the purpose of the original condition. It is considered acceptable to phase the submission of the existing and proposed levels details and therefore no objection is raised to the amended wording suggested by the applicant.

#### Condition 42

With regard to the alterations proposed to condition 42, whilst no objection is raised in relation to the phasing of the development and the submission of a Hydrological Impact Assessment, it is not considered that the wording of the varied condition by the applicant is acceptable and doesn't meet the relevant tests.

The following wording is considered acceptable:

Notwithstanding the submitted details, prior to the commencement of each phase of the development a Hydrological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall include 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.

## **Conclusion**

The information submitted with the application in relation to the proposed phased development of the site has been considered by the relevant statutory consultees, who are satisfied that the conditions can be varied. The application for the amendment of conditions 3, 5, 16, 18, 19, 26, 27, 30, 31, 35, and 42 of planning approval ref: 12/1313 is therefore recommended for approval as outlined above.

## **PLANNING OBLIGATIONS**

**The previous application 12/1313 was approved on the basis of the applicant first entering into a S.106 Agreement (Minute 121 refers). Members are advised that the package of planning contributions set out below is the same as previously agreed under 12/1313. Therefore it is recommended that the new consent, should Members be minded to grant permission, be subject of the same Planning Obligations package previously agreed.**

**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.**

The full conditions of the consent as now varied are reiterated below for clarity.

## **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 5<sup>th</sup> June 2013, 12<sup>th</sup> August 2013, 16<sup>th</sup> August 2013, 12<sup>th</sup> September 2013, 10<sup>th</sup> October 2013 and 16<sup>th</sup> October 2013.

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

3. Notwithstanding the submitted details, prior to the commencement of each phase of the development, 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. Prior to the commencement of each phase of the development 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 shall be 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, prior to the commencement of each phase of the development full drainage details shall be 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 (and in conjunction with Condition 14), prior to the commencement of each phase of the development measures to control groundwater issues from retaining walls 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: 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. Prior to the commencement of each phase of the development a method statement for excavation, installation and restoration of drain runs through

the Site of Importance for Nature Conservation 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: 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 1<sup>st</sup> 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 first beneficial occupation of any dwelling, 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 construction works 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, prior to the commencement of infrastructure work related to each phase of the development 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 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the 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. Prior to the commencement of each phase of the development details of how the private shared accesses including how turning facilities shall be laid out, constructed and drained shall be submitted to and approved in

writing by the Local Planning Authority. 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:

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

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

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

30. Prior to the commencement of each phase of the development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. 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 each phase of the 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 (unless otherwise agreed in writing) 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, prior to the commencement of each phase of the development 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.

Reason: 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 (in conjunction with Condition 29) 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 AW8 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 AW8 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 AW8 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, prior to the commencement of each phase of the development a Hydrological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall 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 AW10 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**

**15 MAY 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**