

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-2017:**

**DEVELOPMENT CONTROL  
COMMITTEE  
6 OCTOBER 2016**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No.5</b>
<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:15/1309 - New build residential development (amended location 13/10/15 and highways arrangement and house type for plot 28 26/01/16), land at The Pavilions, Darran Road, Mountain Ash
2. Application No:16/0359 - Refurbishment and Conversion of Aberdare School for Girls to provide 26 new 1 and 2 Bedroom flats (C3 use) and 18 new build houses to the land to the rear including amended access, landscaping and associated works (Amended plans received 5/8/2016), Aberdare Girls Upper Comprehensive School, Cwmbach Road, Aber-Nant, Aberdare.
3. Application No:16/0603 - The proposed development is a gas fuelled power plant which may include an element of energy storage to be located on land within the Hirwaun Industrial Estate (amended details received 2/9/2016), Unit O, Hirwaun House Walters Group. Hirwaun Industrial Estate, Hirwaun, Aberdare
4. Application No:16/0853 - Conversion of former licensed premises into 9 flats. Re-submission of 15/1288/10, 50 Ystrad Road, Pentre.

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## **APPLICATIONS RECOMMENDED FOR APPROVAL**

**APPLICATION NO:** 15/1309/10 (SF)  
**APPLICANT:** Wellford Estates Limited  
**DEVELOPMENT:** New build residential development (amended location 13/10/15 and highways arrangement and house type for plot 28 26/01/16).  
**LOCATION:** LAND AT THE PAVILIONS, DARRAN ROAD, MOUNTAIN ASH, CF45 3HG  
**DATE REGISTERED:** 06/10/2015  
**ELECTORAL DIVISION:** Mountain Ash West

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**RECOMMENDATION:** Approve, subject to a S.106 Agreement.

**REASONS:** The principle of providing residential development on this site has already been established through the approval of previous consents and no changes have been identified either on site or in relation to the relevant planning policy, which would justify a different decision being taken.

The current scheme proposes a total of 33 no. dwellings and following some initial concerns raised from a nearby property, amendments have been carried out to the scheme to ensure that the impact on the amenities of nearby properties will be minimised. The redevelopment of the site will result in a significant visual improvement to the area.

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### **REASON APPLICATION REPORTED TO COMMITTEE**

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

### **APPLICATION DETAILS**

This is a full application for a new build residential development comprising 33 dwellings consisting of 2 no. 2-bed dwellings, 22 no. 3-bed dwellings and 9 no. 4-bed dwellings. The scheme includes 6 different house types which are detailed below:

House Type H (4-bed) - 2 storey pitched roof design with front gable feature and attached garage with dimensions of 7.4m (w) x 8.5m (d) x 9.5m (h).

House Type J & P (4-bed) - 2 storey pitched roof design with front gable feature and detached garage - with dimensions of 8m (w) x 8m (d) x 8.5 (h) - house type J & 9.8m (w) x 7m (d) x 8m (h) - house type P.

House Type K (3-bed) - 3 storey town house / gable feature design with integral garage and small balcony - with dimensions of 6m (w) x 7.8 (d) x 11m (h).

House Type L (3-bed) - 3 storey town house design with integral garage and small balcony -with dimensions of 6m (w) x 7.8m (d) x 11m (h).

House Type M (3-bed) - 2 stored pitched roof design with front gable and porch - with dimensions of 5.5m (w) x 9m (d) by 8.5m (h).

House Type N (2-bed) - 2 storey, pitched roof design - with dimensions of 5m (w) x 8.5 (d) x 8.8m (h).

The current scheme of 33 dwellings proposing a mixture of 2, 3 and 4-bed dwellings is very similar in design and layout to previous applications submitted in respect of the site. In July 2009, permission was approved for 25 dwellings comprising 19 no. four-bed detached houses and 6 no. four-bed terraced town houses (07/0481).

The main visual difference between the two schemes is that the row of dwellings fronting Darran Road now comprise 11 no. 2, 3 and 4 bed dwellings instead of the 7 no. 4-bed dwellings previously proposed. The arrangement of dwellings within the site is also very similar to the previous scheme, although in four locations, two smaller 3-bed dwellings are now proposed instead of one larger 4-bed. In 2014, an application was submitted to vary condition 1. of application 07/0481, effectively seeking to extend the time period for implementation, but this was subsequently dismissed on appeal as the applicant had not entered into a planning obligation with the Council in relation to the affordable housing and recreation facilities contributions which were being sought (14/1004).

Prior to the submission of application 07/0481, outline and reserved matters applications had also been granted in relation to a development of 25 dwellings on the site, although the house types on individual plots were different and also, a number of the detached houses along the site frontage with Darran Road were shown with a third storey of habitable accommodation within the roof space (02/1618 and 05/1922).

The materials proposed for the scheme included a reclaimed stone base, facing brick with rendered gables, contrasting brick cills with white uPVC windows and imitation slate roofs. The proposed means of vehicular access to the dwellings is shown to be provided by an improved access point from Darran Road

The current application is accompanied by the following:

- Design and Access Statement (DAS) – June 2015
- Geo-technical and Geo-Environmental Report (Terra Firma (Wales) Ltd) – December 2007
- Letter from SLR Consulting – 23 January 2007

- Environmental Noise Study (Sol acoustics) – 31 March 2006

The DAS states that the proposed development aims to create a sensitive housing development in the valley and to provide an alternative housing mix in the town. It is also stated that care has been taken not to overdevelop the site whilst providing a community feeling and that the proposal offers a choice and variety of homes within the local area. Whilst the statement confirms that the proposed scheme does not offer any provision for affordable housing and a financial contribution would therefore be offered in lieu of an on-site provision, the applicant's agent has recently indicated that on-site provision may be provided.

The Geo-technical and Geo-environmental report (December 2007) details the various site investigations carried out in respect of identifying ground conditions and contamination on the site and also identifies various remediation measures required.

The letter from SLR Consulting (23 January 2007) details that site investigations have been carried out, to establish whether the current surface drainage arrangements for the site discharge into the culvert along the boundary of the site with Darran Road.

The Environmental Noise Study (March 2006) examines noise conditions at the time the previous factory existed on site and advises on suitable glazing specifications to achieve desirable internal noise levels in the houses proposed. This could be a relevant planning consideration in some cases, but as the factory has now been demolished, noise is not considered to be a significant issue in respect of impacts upon the future occupants, particularly as the site is predominantly surrounded by existing residential development.

Following an objection from the owner of Bryn lfor House, an amended scheme has been submitted which provides an alternative house type at Plot 28 in order to reduce the potential overlooking of this property. The amended scheme also includes a boundary fence set in approximately 2m from the rear boundary with Bryn lfor House which is also designed to ensure that the privacy of the existing property is retained.

## **SITE APPRAISAL**

The application site, which has an area of approximately 0.92 hectares is an engineered plateau, with banks along the south eastern and north eastern boundaries sloping steeply downwards away from the site, towards Miskin Road and Gwernifor Park respectively. The general topography of the area is quite steeply sloping downwards from south-west to north-east and therefore there are retaining walls around a significant part of the site boundary, retaining the levels of the site and the land around it. There is currently a high stone boundary wall along the north western boundary of the site with Darran Road and this also acts as a retaining wall

between the site and Darran Road. The site was formerly occupied by factory buildings, but these have now been demolished.

## PLANNING HISTORY

14/0004	Variation of condition 1. on planning permission 07/0481 for new build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses	Dismissed on appeal 03/03/15
07/0481	New build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses.	Approved 29/07/09
05/1922	Proposed new build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses (reserved matters)	Approved 14/03/06
02/1618	Residential development (outline).	Approved 17/03/04

The above outline application was subject to a Section 106 Agreement for the payment of £30,000 for the provision or improvement of play or recreation facilities by the Council in Gwernifor Recreation Ground and a new agreement for the same financial contribution, was also secured in relation to application 07/0481.

At the time application 07/0481 was determined, an outline application for residential development for land adjacent to the south-east boundary of the site (adjacent to the bowling green) was also considered (07/0454) and following the approval of a subsequent application for 17 dwellings (07/1652), has been subsequently developed by Walnut Grove Homes (Parc Gwernifor).

## PUBLICITY

The application has been advertised by means of a press notice, the direct notification of neighbouring properties surrounding the site and the display of site notices.

In response, one letter of objection has been received by the joint owner of Bryn Ifor House located at the northern corner of the site which raises the following concerns:

- expresses concerns regarding the privacy of Bryn Ifor House being overlooked by Plots 28 and 29 of the development, both plots being in an elevated position to Bryn Ifor House by approximately 7 to 10 metres.
- due to the proximity to the property of 5 metres, the garden level and first and upper floor level of Plot 29 will have direct views into the garden and both lower and upper floors of the house.

- plot 28 is positioned in plan view only and appears to be positioned on the steep gradient which changes levels from the site entrance level to that of the Institute House situated to the East of the site and will again be in an elevated position looking directly into the garden and both upper and lower levels of Bryn Ifor House.
- plot 28 garden boundary appears to back onto my property on steeply sloping land currently and I wish to understand the proposal of how the land will be developed in this location with regard to levels overcoming the steep gradient.

Following the receipt of amended plans, further consultation has been carried out with the affected neighbour, resulting in the following additional comments:

- The addition of the boundary fence two metres from my boundary wall is welcome to reduce potential for overlooking of the property, I presume this continues the lower level to the extent behind the area allocated for parking spaces. This along with the previous updates to the change of house type and window configuration are appreciated.

## **CONSULTATION**

**Transportation Section** – has raised no objections. In relation to access, the proposed junction is considered acceptable subject to detail design which can be secured by a suitably worded planning condition. The footway along the site frontage is below the standard recommended in Manual for Streets however, there is potential to set the site boundary back along Darran Road and provide a 2m wide footway, which can also be secured by condition. The proposed junction would sever the continuity of the double yellow lines abutting the site frontage and the developer would be responsible for consultation and implementation of any amendments required to the TRO. The internal access roads also comply with the technical design criteria and are therefore considered acceptable subject to detail design. In relation to parking, it has been identified that the overall development falls short of the maximum standards for residential parking identified in the SPG (20 spaces and 6 visitor). However, the site is in a sustainable location and within walking distance of the Town Centre, local amenities and public transport (bus and rail) and therefore, the level of parking provision (2 spaces per plot) is on balance considered acceptable. In conclusion, the proposed development provides a satisfactory access and circulation in compliance with the technical design criteria and full engineering design and details can be secured by planning conditions.

**Natural Resources Wales** - has raised no objections subject to conditions to deal with the potential risks to controlled waters posed by contamination at the site.

**Dwr Cymru / Welsh Water** - has raised no objection subject to conditions requiring the submission of a drainage scheme for the disposal of foul and surface water

**Western Power Distribution** - no comments received.

**Wales and West Utilities** - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail. Any diversion works will be fully chargeable.

**Public Health and Protection Section** - has raised no objections subject to conditions to control potential contamination. Further advice is also provided in relation to noise, dust, waste disposal and lighting.

**Countryside, Landscape and Ecology Section** - the Council's Ecologist has reiterated his previous comments - following an inspection of the site, it is confirmed that the development area constitutes recently cleared land with bare ground and building rubble. There is an extensive cover of brownfield grassland and flora which reflects early establishment from windblown seed and garden refuse however, there is very little Japanese knotweed. The flora is diverse and has no significant ecological value, but may support some opportunities for nesting birds. The open grassland and brownfield flora will be of some local invertebrate value however, the previous factory use of the land and the very isolated nature of the site significantly limits any potential reptile value.

In relation to suitable bat habitat, the one semi-mature ash tree has been assessed for potential value for bats using the Bat Workers Manual and identified as a Category 2b tree, which indicates moderate/low potential to support a bat roost and does not therefore require specific bat surveys. If the tree is to be felled however, it should be section felled with soft felling measures employed and a bat consultant on call. The wall on the north side of the site was also checked, but is not considered to have a high bat roost potential. In view of the findings of the visit, it is not considered that any more ecological survey assessment is required for this development site however, there are small / residual potential protected species issues which require due and proper precautionary consideration during site clearance works and a Wildlife Protection Plan condition is therefore recommended.

**Parks Department** - The Council's Play and Recreation Facilities Manager has confirmed that the £30k contribution towards the provision of, or improvement of play or recreation facilities in the vicinity of Gwernifor recreation ground, secured by previous S.106 Agreement relating to the site, is still required.

**Education and Children's Services** – has advised that Darranlas Primary School still has enough capacity to cater for 33 houses, so their previous comments confirming that no additional school places are required, still applies.

**Land Reclamation and Engineering Section** - has raised no objections subject to a condition to require the submission and approval of drainage details.



**Housing Strategy Section** - has advised that in accordance with Policy NSA 11 of the LDP, 3 units of affordable housing should be secured at a mix of 1 x 2 bedroom house and 2 x 3 bedroom houses for low cost home ownership. As an alternative to the on-site provision of affordable housing, a financial contribution equivalent to what would otherwise be provided on site would be required. This amounts to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit and the value would be determined at the time of the commencement of development.

**South Wales Police** - no objections are raised. It is confirmed that they support the current general layout and the orientation of the properties is considered to offer good surveillance. Some concerns are raised in relation to the location of the 2 plots adjacent to the front entrance and some protection to the blank gable ends by means of railings and planting may be required. Further advice in relation to good general design and layout is provided.

## **POLICY CONTEXT**

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

The site is identified as being inside the settlement boundary NSA12 and is unallocated. The land lies immediately to the north-west of land allocated under NSA 9.11 Gwernifor Grounds, where 17 dwellings have been constructed (Parc Gwernifor).

**Policy CS1** – advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting residential development in locations which reinforce the roles of Key Settlements, including Mountain Ash. This will also be achieved by promoting the re-use of under used and previously developed land and buildings.

**Policy AW1** - confirms that residential proposals will be expected to contribute to meeting local housing needs by providing affordable housing.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations which would not unacceptably conflict with surrounding uses and have good access to key services and facilities.

**Policy AW4** – confirms that contributions towards new or improved works may be sought in respect of a number of facilities including affordable housing, recreation facilities and highway works.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

**Policy AW6** - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land, especially

higher density residential development on sites in proximity to local amenities and public transport.

**Policy AW8** - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

**Policy AW10** - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination or instability

**Policy NSA2** - proposals for residential development within Key Settlements including Mountain Ash will be permitted, subject to it being of a high standard of design and integrating positively with existing development.

**Policy NSA10** - advises that all new development within the Northern Strategy Area be built at a minimum density of 30 dwellings per hectare, to allow diversity in the housing market and the efficient use of land.

**Policy NSA11** - requires the provision of at least 10% of affordable housing on sites of 10 units or more.

**SPG** – Nature Conservation

**SPG** – Design and Placemaking

**SPG** – Affordable Housing

**SPG** – Delivering Design and Placemaking: Access, Circulation & Parking Requirements

**SPG** – Planning Obligations

**SPG** - Employment and skills.

### **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), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport) and Chapter 9 (Housing), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

### **REASONS FOR REACHING THE RECOMMENDATION**

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

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

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

The principle of redeveloping this site for residential purposes has been previously established through the grant of both outline and full planning consents and it is therefore appropriate to consider whether there has been any material change in circumstance since the previous approval was given in 2009. Of particular relevance in this case, is the fact that since consent was last granted, the Local Development Plan has been formally adopted, along with accompanying SPGs and it is therefore against this policy base, that the application has been considered.

In relation to the suitability of the site to accommodate 33 dwellings, the Spatial Planning Team has advised that although this site is unallocated, it has been in the Joint Housing Land Availability Study since outline permission was granted in 2004 (02/1618/13) and the capacity has been 25 units based on 05/1922/16 and 07/0481/10. As no progress was made, the site fell out of the 5-year land supply in 2014 and was treated as a lapsed site in 2015. The proposed 33 dwellings however provides a density of 35 dph, which complies with NSA 10 (minimum 30 dph). The affordable housing provision as a contribution to off-site provision is confirmed as an option in the supporting text to policy NSA 11. The development is therefore considered to comply with LDP policy.

The application site is located within the settlement boundary, where new development is subject to assessment against a number of other policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW 2 sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. In this case, the application constitutes a full planning application for the redevelopment of a vacant site that is located within the settlement boundary and centrally within the Key Settlement of Mountain Ash, which offers good access to key services and facilities and is also accessible by foot and public transport. The current proposal is therefore considered to comply with Policy AW 2 and the principle of dwellings on the site remains acceptable. Further consideration of the proposed scheme against other policy criteria is provided below.

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

Whilst the site previously accommodated factory buildings and was used for employment purposes, the site appears to have been derelict for some time, with broken hard standing and overgrown areas. The surrounding areas are now residential in character with recreation facilities in Gwernifor Park and its re-development for residential purposes will greatly improve the appearance of the area to the benefit of local residents. The only change now identified within the immediate locality is the fact that 17 dwellings have been constructed to the south-east of the site at Parc Gwernifor however, this will further assist the integration of the proposed development, into the surrounding residential areas.

The current application for 33 dwellings is similar in terms of design and layout to that which was considered under 07/0481. As identified earlier, the main difference in the current scheme from that previously approved is that a greater number of smaller dwellings have been located opposite existing properties in Darran Road however, this is considered to have less of an impact on the character of the area as the smaller dwelling types are more in keeping with existing nearby properties. The existing entrance and stone boundary wall are to be retained and made good with further soft landscaping to be provided within the site. The existing and proposed sections indicate that the development will follow the existing slope down from the west to east and whilst the exact finished site levels have not been provided, this information can be required for submission and approval, through an appropriate condition (Condition 8) prior to the commencement of development.

It has been identified that a minimum of 30 dwellings per hectare would normally be required under Policy NSA 10, and as such, the proposed increase to 33 is considered to comply with this requirement and it is considered, given the physical constraints on site, that the size and amount of development remains appropriate. As the development will provide an acceptable housing mix and diversity in the housing market, the effective use of land is not considered to have an adverse impact on the character of the area and, there are no issues identified that would conflict with either Policy AW6 or NSA 10 of the Local Development Plan.

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

The design and layout of the scheme is considered to be acceptable in terms of the amenity and privacy of existing residential properties. A number of properties in Darran Road, Bryn lfor and Gwernifor Park overlook or are located adjacent to the site however, are considered to be of a sufficient distance from the site to prevent any loss of privacy. Whilst the original scheme submitted with the current application was very similar to the layout proposed under application 14/0004 which resulted in no objections from neighbours, the current application has attracted one objection from a property located adjacent to the site (Bryn lfor House), which has been taken into account and resulted in various amendments to the scheme.

The concerns raised by the owner of this property was due to the proximity of plots 28 and 29 to his property and the potential loss of privacy as a result of overlooking, particularly as the existing site is currently elevated above the level of the adjoining dwelling. As a result of these concerns, the applicant agreed to amend the scheme which has involved amendments of the house type at plot 28 to provide a rectangular design, which is located approximately 2 metres further away from the property and removing habitable room windows on the elevation which has potential for overlooking. The only remaining windows on the northern elevation are 2 obscured bathroom windows and 1 landing window.

At the time the previous application was determined, it was considered that the scheme was generally acceptable in terms of amenity and privacy, however it was appropriate to remove some of the 'permitted development' in relation to certain plots to ensure this remained the case. Such measures are still considered necessary in relation to plots 28 and 29 in the current application and are therefore included in the conditions set out below (Condition 20).

Whilst the same residential properties have been notified as the previous application, no other adverse comments have been received in respect of this application and it is therefore considered that the proposal complies with Policy AW5 of the Local Development Plan.

### **Access and highway safety**

The existing access from Darran Road is to be retained and improved to allow greater visibility and to allow for shared pedestrian and vehicular access into the site. The proposed dwellings have been provided with either garaging or off street parking which complies with the Council's SPG. In relation to movement around Mountain Ash it is identified that the location of bus stops along Darran Road enables good access into the town centre and the location of the site approximately 200m from the railway station enables convenient access to Cardiff and beyond. The location of the site within Mountain Ash therefore enables a range of different sustainable transport modes.

Whilst Highway Officers have identified that the parking provided falls short of the SPG standards, these are maximum standards and in view of the proximity of the site to the town centre it is considered that the level of parking accommodate within the site is acceptable.

The Transportation Section has not identified any additional highway safety concerns subject to the imposition of a number of, which are included in the conditions suggested below (Conditions 14-18).

### **Ecology**

In relation to the ecological impact of the scheme no further information has been submitted in relation to the current scheme however, no issues or site constraints were identified at the time the previous application was determined. As a result of previous comments raised by NRW in response to application 14/0004, a site inspection was carried out by the Council's Ecologist in order to determine whether it would be appropriate to request a Phase 1 survey. The conclusion reached as a result of carrying out this visit is that it is not considered that any more ecological survey assessment is required. The Council's Ecologist however recommended that a Wildlife Protection Plan be secured by condition (Condition 21) and has confirmed in response to the current application that his previous comments still apply. In view of the previous consents approved which did not identify any ecological impacts, this is considered to be an acceptable approach in response to the issues raised by NRW and is considered to comply with Policy AW8 of the Local Development Plan.

### **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.

### **Land Contamination**

At the time the previous application was determined, the comments of the Public Health and Protection Section in respect of the report dealing with contamination were taken into account and addressed through the imposition of appropriate conditions. Public Health and Protection Officers have not raised any further issues in relation to the renewal of this consent, subject to the imposition of appropriate conditions which mitigate the effect of any contamination at the site (Conditions 3 - 5). In addition, NRW has identified that there may be potential risks to controlled waters posed by contamination at the site and has suggested further conditions to enable this to be addressed prior to development commencing (Conditions 22 - 25).

### **Drainage and flooding**

At the time one of the previous applications was determined, a flood risk assessment was submitted setting out possible mitigation measures in order to attenuate surface water run-off to greenfield rates and the potential risk of flooding from artificial drainage systems.

In respect of this additional information, it was previously considered that the recommended conditions in respect of drainage would adequately facilitate dealing with the issues raised by the flood risk assessment and the letter subsequently received from SLR Consulting (23 January 2007) relating to drainage investigations, in so far as they were relevant to the planning process. In response to this application, Land Reclamation and Engineering Officers have not raised any further

issues in relation to the renewal of this consent, subject to the imposition of appropriate conditions, which are included below (Conditions 9 - 10).

## **Public Health and Protection**

Whilst the comments raised by the Council's Public Health & Protection Section are noted, it is considered that noise, dust and waste can be more efficiently controlled by other legislation. An appropriate Informative can be added to any permission notifying the applicant / developer of the need to comply with legislation concerning noise, dust and waste matters.

## **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 SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Rhondda Cynon Taf Community Infrastructure Levy (CIL) came into effect on 31<sup>st</sup> December 2014 for all existing and new planning applications. This replaces all but site specific S.106 requirements and affordable housing and may mean that in some areas of the County Borough where there is a nil liability, it will no longer be appropriate to pursue contributions via Section 106 Agreements.

## **The Section 106 requirements in this case**

**Recreation Facilities** - a Section 106 Agreement was previously signed in respect of both application 02/1618 and 07/0481 requiring the payment of £30k for the provision or upgrading of the play or recreation facilities in Gwernifor Recreation

Ground. The Council's Play and Recreation Facilities Manager has confirmed that this contribution is still required and therefore a fresh agreement would need to be made in respect of this planning application, in order to secure such payment.

**Affordable Housing** - it is considered appropriate in view of the relevant LDP policies relating to affordable housing (AW 1, AW 4 and NSA 11), that a contribution towards affordable housing is provided in respect of this application. Whilst it was advised when this application was originally submitted that the this scheme did not make any provision in relation to affordable housing, although a financial contribution would be made, the applicant's agent has recently indicated that this may now be provided on site.

Housing Strategy has requested an affordable housing mix comprising 1 x 2 bedroom house and 2 x 3 bedroom houses, both for low cost home ownership or as an alternative to on site provision, a contribution equivalent to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit. The final amount for the contribution would be determined when the development commences. At the time the previous application was determined at appeal (14/0004), the Planning Inspector concluded that the contributions sought reflected the LDP Policy and Circular requirements and were fair and proportionate and are also considered appropriate in respect of the current application.

### **Employment and Skills Plan**

The Council's Supplementary Planning guidance on Employment and Skills requires applications for over 25 dwellings to secure a plan that should set out the type of training and employment opportunities that will be offered to people within RCT through the development. The developer has agreed to this and Members are advised this can be secured by a Section 106 agreement if permission is granted.

As the applicant previously entered into a Section 106 Agreement in relation to the provision or improvement of recreation facilities, it is considered appropriate that the applicant should enter into a new agreement in relation to this application in order to secure:

- A recreation facilities contribution of £30k;
- An affordable housing contribution comprising 1 x 2 bedroom house for low cost home ownership and 2 x 3 bedroom houses for low cost home ownership or in lieu of on-site provision, a contribution equivalent to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit.
- Employment and Skills Plan.

### **Community Infrastructure Levy (CIL) Liability**

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



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

## **Conclusion**

Having taken into account all of the issues identified above, it is considered that subject to the securing of Section 106 Agreement relating to recreation facilities and affordable housing contributions, the proposed re-development of the site to provide 33 dwellings is acceptable, complies with relevant policies of the Local Development Plan and will result in a significant visual improvement to the area.

## **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Location Plan - 561-100 – 23.9.15;
- Site Location and Proposed Layout Plan - 561-205C - 26.1.16;
- Proposed Site Layout & Plot Allocation Plan - 561-206E - 14.9.16;
- Proposed Street Scene – 561-207C – 26.1.15
- Existing & Proposed Site Sections – 561-208 B - 26.1.16;
- House type H - 561-404 - 23.9.15;
- House type J - 561-405 - 23.9.15;
- House type K - 561-406 - 23.9.15;
- House type L - 561-407 - 23.9.15;
- House type M - 561-408 - 23.9.15;
- House type N - 561-409 - 23.9.15;
- House type P - 561-410 - 26.1.16.

and documents received by the Local Planning Authority on 23 September 2015 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted 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:

1. 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.
2. 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.
3. 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.

4. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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

5. 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.

6. Before the dwelling on plot 28 is occupied, the first floor bathroom and en suite windows on the rear north facing elevation shall be glazed in

obscured glass to industry standard level 3 or higher. The windows shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first dwelling 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.

8. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

11. 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.

12. 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.

13. Full details of the proposed height (above ground level) of the boundary wall to be constructed shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into beneficial use.

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

14. Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan, drawing No. 561 – 206 E and approved by the Local Planning Authority.

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

15. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed junction, internal road layout including longitudinal sections, cross sections; street lighting, surface water drainage, structures and traffic calming have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the

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

16. Development shall not begin until details providing for widening the existing footway on Darran Road abutting the site to 2.0 metres have been submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details before the development is brought into use, unless otherwise agreed in writing by Local Planning Authority.

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

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

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

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

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

18. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 15:00 pm.

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

19. Building operations shall not be commenced until samples of the materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5

and AW6 of the Rhondda Cynon Taf Local Development Plan.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no extensions or outbuildings shall be erected or constructed (other than any hereby permitted), and no additional window openings shall be inserted into the rear or side elevations of the dwellings on plot 28 and plot 29.

Reason: To protect the amenity of the property known as Bryn Ifor House in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

21. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

22. Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be

agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site from the previous use of the site.

23. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall

be implemented as approved.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Given the size / complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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<b>APPLICATION NO:</b>	<b>16/0359/10 (GW)</b>
<b>APPLICANT:</b>	<b>Aberdare School Developments Ltd</b>
<b>DEVELOPMENT:</b>	Refurbishment and Conversion of Aberdare School for Girls to provide 26 new 1 and 2 Bedroom flats (C3 use) and 18 new build houses to the land to the rear including amended access, landscaping and associated works (Amended plans received 5/8/2016).
<b>LOCATION:</b>	<b>ABERDARE GIRLS UPPER COMPREHENSIVE SCHOOL, CWMBACH ROAD, ABER-NANT, ABERDARE, CF44 0NF</b>
<b>DATE REGISTERED:</b>	<b>12/08/2016</b>
<b>ELECTORAL DIVISION:</b>	<b>Aberdare East</b>



**RECOMMENDATION: Approve, subject to a S.106 Agreement.**

**REASONS:** The school is not required for its former educational use and its conversion for a residential use would retain what is considered a building of local historic and architectural character.

Objections have been raised from local residents with regard to a covenant that restricts the site to an educational use. However, this is a legal matter and outside the scope of this planning application.

Significant objections have been raised by nearby local residents, particularly with the impact on residential amenity and the quiet enjoyment that they have enjoyed outside school hours. Issues of traffic, noise and loss of privacy have been raised. Whilst these concerns are appreciated, in planning terms, the impact on residential amenity is considered acceptable.

The original plans have been amended to retain all the trees protected by Tree Preservation Orders. Whilst there are some concerns with the long term future of trees on site (that would be retained) the applicant has agreed to maintain these in the future. As such, on balance, it is considered this issue would be acceptable.

The residential development would have an acceptable impact on the character of the area and a suitable access and level of parking can be provided.

Local residents have raised issues with regard the currently restricted parking bays to the front of the site. The proposals will however remove restrictions related to "School Bus Parking" in lay-bys to the front of the site and in addition public transport facilities will be enhanced.

The impact on bats has been assessed and is considered would be acceptable subject to a license from Natural Resources Wales being obtained and complied with.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;

## **APPLICATION DETAILS**

Full planning permission is sought for the refurbishment and conversion of Aberdare School for Girls to provide 26 new 1 and 2 Bedroom flats (C3 use) and 18 new build

houses to the land to the rear including landscaping and associated works. The development would include the demolition of the former school buildings to the rear of the site.

Sixteen of the new build houses would be bungalows and two would be two storey dwellings.

The existing access, from Cwmbach Road, would be widened as a primary means of access. A separate footpath access would also be provided. A cul-de-sac type access road would provide access to the new dwellings to the rear of the site. Parking for the conversion of the former school would be provided to the front and side of the building.

The application is accompanied by the following:

- Design and Access Statement;
- Arboricultural Method Statement;
- Tree Survey;
- Bat Survey; and
- Coal Mining Risk Assessment Report.

## **SITE APPRAISAL**

Aberdare Girls Comprehensive School forms a typical school site comprising a large main building with various smaller buildings located throughout. The site is located off the main highway between Cwmbach and Aberdare from which it is accessed, and is bounded by the highway to the front and residential properties to rear and each side.

The main building is a traditional, stone built block sited centrally towards the front of the site. To the rear are a number of smaller outbuilding type structures of a similar design to the main block as well as a number of more modern demountable units (to be removed). A number of trees are located throughout and bordering the site particularly on the southern and western boundaries. Some internal aspects of the school including flooring, wall tiling, staircases, doors, windows and the vaulted hall are of notable character.

The school is no longer in use due to the construction of Aberdare Community School in the town centre and has been vacant for a number of months.

## **PLANNING HISTORY (Relevant to application)**

15/1556	Outbuildings at Aberdare Girls Comprehensive School, Cwmbach	Prior notification for the demolition of demountable outbuildings (classrooms), portacabin type classroom,	Prior Approval Required 08/02/16
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Road, Aberdare. outbuildings, masonry gym block,  
masonry classroom buildings  
(bat survey received 11/01/16).

## **PUBLICITY**

The application has been advertised via a press notice, the erection of site notices and by direct neighbour notification. Seven letters of objection and one of support were received. Their comments are summarised below:

### **Objection:**

1. There is an existing unresolved covenant between certain adjoining and adjacent owners around the development site. The developer is showing contempt by ignoring it.
2. A covenant on the building states the building shall only be used for education purposes. If this is ignored it does not bode well that the developer is able to carry on regardless.
3. The covenant results in neighbouring properties to the right to receive quiet enjoyment. The school only operated on a limited time and the site was quiet for most of the rest of the time. This will be lost forever and it will result in noise pollution from traffic coming and going and from the impact of residents in close proximity to our properties.
4. The school at night is a dark area allowing full view of the night sky and mountains beyond. With the street lighting this will be lost.
5. It will result in overlooking from ground level and the school building, particularly in winter time when there are less leaves on the trees.
6. The construction phase will generate noise, dust and visual impairment.
7. The bin store locating would result in bin lids crashing up and down, uncontained smells and vermin.
8. Devaluation of my property value is a real concern.
9. The development would be 'backland' development and would result in 'cramming'.
10. It does not respect local context, street pattern or the scale and proportions of surrounding buildings, is too high density and would be out of character with the local environment.
11. I object to the removal of a beautiful fir tree for the access. This tree is subject to a Tree Preservation Order and should be protected.
12. There are a number of other trees protected by Tree Preservation Orders; some of which are not special and overhang my property. I am concerned taking out of public control would result in me becoming hostage to fortune with respect their future.
13. It would not result in a benefit in environmental and landscape terms.
14. The proposed access would remove existing residential parking bays to the front of the site. Residents will have nowhere to park in the area.

15. The development does not provide a suitable level of off-road parking for the dwellings and visitors and it would result in spill-over parking to other areas nearby.
16. Access is directly opposite access to fire station and could impact on emergency vehicles.
17. Existing boundary treatment should be maintained.
18. The culvert under the site from a stream at Summerfield House should be maintained.

### **Support:**

1. I support the development as the gym and outbuildings have become an eyesore.

Amended plans were received and the main changes include removing the new proposed access and widening of the existing access as a primary means to access the site. Other changes include positioning the two storey dwellings together and the retention of the rear annexe to the main school building. A further period of consultation was carried out and correspondence from four people (who also submitted objections during the first consultation period) have been submitted. Their further comments (to those already stated above) are summarised below:

- Plots 11, 12 and 13 will border my garden wall. They will have the right to plant trees of any type and size. This would reduce light onto our garden and shed and consequently would affect our amenity. We have spent a great deal of money recently having trees (on the school site) removed near to the wall (through the Estates section). This includes a large willow tree and a laburnum.
- I have no objection in principle to the school being converted, however the new build should be restricted to between plots 2 and 17 with a large evergreen line of trees grown here.
- A site meeting should take place prior to the decision being made, so that the impact can be seen from neighbour's properties.
- The amended plans doesn't make it clear if the existing school bus lay by is also being changed to residential parking.

Any further correspondence received to the above will be orally reported to Members at the meeting.

### **CONSULTATION**

**The Coal Authority** – we concur with the recommendations of the Coal Mining Risk Assessment. Coal mining legacy potentially poses a risk to the proposed

development and site investigation works should be undertaken prior to development. No objection subject to the imposition of a suitable condition.

**Countryside Section** – efforts have been made to retain and protect the Tree Protection Order (TPO) trees. Nine will have works within their Root Protection Areas (RPA) and will therefore be compromised. TPO 11 looks to be particularly vulnerable. 11 other trees are shown as being retained and 22 lost. In essence the only trees to be kept on site will be along the western and southern boundaries, with nothing in the interior of the site or the eastern boundary. The application of the mitigation methods and working procedures identified in the Arboricultural Method Statement will be essential (as should measures to protect the other non TPO trees identified as being retained).

The successful retention of TPO (and other) trees will need very carefully controlled through working procedures. The report provides a clear indication that if this scheme gains planning permission some of the existing TPO trees may prove to have a relatively short lifetime – their size and juxtaposition to the development will inevitable mean that any long-term problems or failures in those trees will result in their removal. I would recommend that if this scheme gains planning permission it is conditioned that all works will abide with and by the Arboricultural Method Statement. And a S.106 Agreement covering TPO (and tree) maintenance should be developed to ensure their long-term monitoring and aftercare.

The bat survey details some bat roosting activity by a small numbers of Common Pipistrelle have been found in the main building and a European Protected Species licence will be needed.

In terms of birds the report recommends controlled demolition which takes due account of nesting birds – so we should condition a method statement for that. It also recommends 8 bird nest boxes are put up as mitigation/enhancement- I would ask that 4 of those are swift nest boxes (a propriety species in this area), and again we condition for details of box type and box location.

**Dwr Cymru/Welsh Water** – no objection subject to condition requiring a drainage scheme. A public sewer crosses the site and no operational development shall be carried out within 3m either side of the centre line. Advisory notes are provided.

**Education** – the one bedroom flats would not require any section 106 payments and there is sufficient school capacity to cater for the other dwellings. Therefore no obligations are required for educational facilities.

**Flood Risk Management** – no objection subject to drainage details.

**Glamorgan Gwent Archaeological Trust** – the school itself dates to 1913, with numerous associated buildings built in the interim. The building is of historic and

cultural importance. Therefore in order to preserve this structure by record we recommend a survey is made prior to works commencing.

**Housing Strategy Officer** – Policy NSA11 requires 10% affordable housing. The viability assessment submitted details the development would have a negative residual value. As such, there is no objection to granting without the provision of affordable housing.

**Natural Resources Wales** – no objection. It is advised the application site lies partly within Zone C2 as defined in Technical Advice Note 15. The site is partially within the 1 in 100 year and 1 in 1000 year annual probability of flooding. It is advised a Flood Consequence Assessment is submitted to determine flood depths and velocities for the access roads. And that this could be used to inform any evacuation plan.

We have significant concerns that the development may affect a European Protected Species (bats). However, we consider it likely that these concerns can be addressed and we would not object, provided a license has been issued to the applicant from NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) or that one is not required.

**Public Health and Protection** – no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust, disposal of waste and lighting.

**South Wales Police** – no objection. Advice is given on Secured by Design standards.

**Transportation Section** – no objection. Some minor alterations are required to the proposed access which can be required by a condition. Parking is not in accordance with the Council's Supplementary Planning Guidance; Access Circulation and Parking (March 2011), for maximum parking requirements. However, given the sustainable location of the site approximately 500m from Aberdare Town Centre with a wide range of local facilities and amenities, including public transport links, and new and improved bus stops located adjacent to the development, together with the target market for the bungalows and apartments of persons aged over 55 with lower levels of car ownership, the parking provision is considered on balance acceptable.

Existing lay-bys are located along the site frontage with restrictions to allow resident parking to the western end to the frontages of No's 1 and 2 Glanynys Cottages (approx 4 spaces). Further restrictions to the remainder of the western lay-by and all of the eastern lay-by 'School buses only Mon –Fri 8-9am and 2:30-3:30pm' traffic order will need to be amended to remove the restriction which will also mitigate the shortfall in parking provision.

The westbound bus stop located opposite the site is sub-standard lacking in bus boarding kerbs and shelter, whilst no eastbound facilities exist. The provision of an

eastbound bus stop utilising part of the existing lay-by and improvements to the westbound bus stop would mitigate the lower parking provision and encourage use of sustainable means of transport and can be conditioned accordingly.

**Wales & West Utilities** – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

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

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

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

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

**Policy NSA10** – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

**Policy NSA11** – The provision of at least 10% affordable housing will be sought on sites of 10 units or more.

**Policy NSA12** – details criteria for housing development within and adjacent to settlement boundaries.

**Policy NSA13** – Conversion of large buildings for residential purposes will be permitted provided: the site is within the settlement boundaries, the building is of historic or architectural importance and makes a valuable contribution to the townscape and there is no economically viable alternative use.

### **Supplementary Planning Guidance**

Access Circulation and Parking

Affordable Housing

Design and Placemaking

Development of Flats

Employment and Skills Plan

The Historic Built Environment

Nature Conservation

Planning Obligations

### **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), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application, Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

Other relevant policy guidance consulted:

PPW Technical Advice Note 1: Joint Housing Land Availability Studies

PPW Technical Advice Note 2: Planning and Affordable Housing;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 10: Tree Preservation Orders;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 16: Sport Recreation and Open Space;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development; and

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 is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan and it is not allocated for any specific planning use. Whilst it is noted objections have been raised from local residents with regard a covenant, that restricts the site to an educational use, Members are advised that this is a legal matter that should be dealt with outside of this planning application.

Since the development of the new secondary school facility at the nearby Michael Sobell's campus, the application site has become vacant and no longer required for its previous educational use. The scale of the buildings on site and the considerable renovation and conversion costs required to bring it forward for an alternative use, is considered makes other uses economically unviable.

It is considered that the site, albeit not listed, is certainly of local historic and architectural importance and makes a valuable contribution to the townscape of this part of Abernant. As such its retention and reuse is considered a benefit and it is recognised the new housing development would help achieve this.

As a proposed residential site it is easily accessible to local shops, facilities, services and public transport links. Therefore fulfils a number of the policy criteria required for a sustainable location.

The Design and Access Statement implies that the flats would be aimed at the over 55 year old market. It is also recognised that the type of new housing proposed may not be where young families would want to live. The developer has however orally stated they are not intending to limit the age of people living in these properties. It is considered the type of housing being proposed and age group the flats are aimed at would be a benefit to the housing stock in the area. In addition, whilst there maybe some benefits in restricting use of the flats to a certain age group, in planning terms, it is not however considered necessary.

Therefore it is considered the principle of a residential use of this building and site would be acceptable subject to the following material planning considerations, which are discussed below.

### **Impact on residential amenity**

As detailed above, some objections have been submitted from local residents, detailing that the development would have a detrimental impact on their amenity. Issues of noise from residents, traffic and construction, new street lighting, pollution and a loss of privacy are the main issues highlighted.

In assessing this issue it is acknowledged that many of the nearby residents have benefited from the school next to their properties. They detail that outside the school hours, this has resulted in little detrimental impact on their amenity.

Whilst some of the proposed dwellings would be located in areas where there were no previous buildings (particularly at the rear of the site); the distances to existing dwellings are however considered a normal situation in residential areas and relatively generous. As such it is considered the impact from noise and street lighting would not warrant a refusal reason. Some noise and dust impacts from construction is expected, however these types of issue would be controlled by Public Health Legislation as discussed below.

Furthermore the proposed flats within the school are proposed to be aimed at people over 55 years old and the new dwellings are of a type that may not suit families. It is considered that whilst this may or may not reduce the impact of the proposed residential development on the existing residents, it is not necessary to restrict the development in these terms.

Turning to a loss of privacy, it is considered the distances from the proposed dwellings to surrounding dwellings is acceptable and would not result in any significant overlooking. Furthermore, as detailed above, the relationship of the proposed dwellings to existing dwellings and garden areas is also considered typical of residential developments and should not result in significant loss of privacy that cannot be controlled by suitable boundary treatment. Members are advised that the boundary treatment being proposed would be acceptable.

An objection has been raised from the public consultation exercise with regard the position of the bin store and resulting noise, smells and vermin. Whilst the comments are appreciated, it is considered that use of the bin store would not result in significant noise and disturbance that would warrant a refusal reason. It is however considered details of the bin store should be obtained prior to occupation of the former school to ensure the store is of a suitable design.

Taking into account the above, it is therefore considered that the development would not have a significant detrimental impact on the amenity of the occupiers of the proposed dwellings.

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

The plans indicate there would be minimal changes to the school building on the outside and the reuse and retention of the building is considered a benefit for the local character of the area. Notwithstanding this, it is considered details of the replacement windows and retention of features such as rainwater goods or suitable replacements should be ensured by a condition if permission is granted. Internally some changes are proposed to the building. The applicants have stated it is their intention to retain as much of the character of the building in the conversion as possible. As the building is not listed it would however be considered difficult to insist on this through the planning process.

An objection has been raised from the public consultation exercise detailing that the development would result in a cramped form of 'backland' development where the scale, size and design of dwellings proposed are not in keeping with the surrounding area. It is considered the new housing development is somewhat contrived, as the site contains a significant large focal point building fronting the street, which restricts the way the rest of the site can be developed without detracting from its character.

Notwithstanding this, the visual impact of the layout and the size, type and design of houses being proposed would be visually acceptable. The type of housing proposed would also complement the age group that the flats within the school are aimed at and would provide a different mix of housing than that found in the typical residential development in the area.

The boundary treatment to the front of the site is considered an important part of the proposal, particularly as it is proposed to amend the vehicle access and create a new pedestrian access. The stone wall to the north and east of the site would be retained and the proposed wooden boarded fence provided inside the east and west boundaries would be considered acceptable. An issue with regard to whether a resident would be responsible for maintenance of the wooden boarded fence along the western boundary has also been raised in the public consultation exercise. The fence would however be within the boundary line of the site and as such would be the responsibility of the developer and any subsequent land owners. Taking account of the above it is however considered a condition requiring confirmation of the boundary details and maintenance would be prudent if permission is granted.

New landscaping and tree planting is proposed as part of the submitted application. It is detailed this is to mitigate against the removal of existing trees on the site. It is considered the landscaping proposed would visually add to the development along the road access and would benefit the development as a whole. Some details however not been provided and the issue with a tree to the rear of plot 13 (and discussed in the section below) may need to be amended. And as such a condition requiring full landscaping details would be prudent.

In summing up, the development would retain a building considered important for the local character of the area. The new development would visually be acceptable and

the landscaped feel to the site would largely be retained. As such it is considered the development would be acceptable in these terms.

### **Impact on Trees**

The site contains a number of trees, including 12 that have Tree Protection Orders (TPO). One tree (TPO 9) however is detailed as being a different type to that identified on the TPO and the Council's Arboricultural Officer has been informed of the issue. The Council's Arboricultural officer has stated the TPO would have to be modified and Members are advised that this would be a separate issue to this planning application.

Members should note the original plans detailed a TPO tree, a Blue Atlas Cedar (TPO 7), would be felled to make way for a new road. The amendment to the application removing the new access has negated the need for this, albeit the new access road would still be in close proximity to the tree.

The TPO trees are mainly situated along the south and western boundary of the site. The Countryside Section state the submitted tree report details that some of the trees would be significantly affected by the development particularly TPO7 and TPO10 -12 in the northwest corner of the site. There would be some development within the Root Protection Areas (RPA's) and within the canopies. TPO 11 looks to be particularly vulnerable, however the report suggests this may be affected by Honey Fungus and may need removing anyway. With regard to TPO7 which would be close to the road it is detailed that careful road/hard standing works would need to be carried out in the root protection area. With regard the other trees and other recommendations this relates to cutting off ivy and making sure no heavy machinery goes in the RPA's.

The successful retention of TPO (and other) trees will need very carefully controlled through working procedures. The report provide a clear indication that if this scheme gains planning permission some of the existing TPO trees may prove to have a relatively short lifetime – their size and juxtaposition to the development will inevitable mean that any long-term problems or failures in those trees will result in their removal. I would recommend that if this scheme gains planning permission it is conditioned that all works will abide with and by the Arboricultural Method Statement. And a S.106 Agreement covering TPO (and tree) maintenance should be developed to ensure their long-term monitoring and aftercare.

A nearby resident has objected with regard to any new trees in plots 11, 12 and 13 as it would impact on light and amenity. The proposed landscaping plan does indicate a tree in plot 13. It is considered whilst this would not be essential to the overall landscaping scheme, the plan could be amended to remove the tree if required. This could be achieved through a condition requiring amended landscaping details. Notwithstanding this, it is considered that a suitable garden tree within these plots, which are at a lower level to the adjacent dwelling, would be acceptable. As such future occupiers of these dwellings should not be prevented

from planting a tree within their plots if they wanted. Any future grievances would be controlled through relevant legislation (Anti Social Behaviour Act).

In summing up, the development will have an impact on trees on the site and potentially the long-term future of the trees protected by Tree Preservation Orders unless careful consideration is given to them during construction and aftercare. The Arboricultural Method Statement and Tree Protection Plan submitted would help protect the trees during construction and a Section 106 agreement for the maintenance and future of the trees can also be put in place. No objection has been received from relevant consultees. As such, on balance, it is considered that the issue would not warrant a refusal reason.

### **Ecology**

A bat survey has been submitted with the application, which identifies use of the main building and site by Common Pipistrelle bats. It identifies a number of recommendations and that a European Protected Species License would be required. Natural Resources Wales require the prevention of commencement of development works until the Local Planning Authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant in writing that such a licence is not required.

With regard nesting birds identified in the submitted report it recommends controlled demolition and the provision of nest boxes are put up as mitigation/enhancement. The Council's Ecologist request that 4 of those are swift nest boxes (a priority species in this area). Details of these can be obtained by a suitably worded condition.

The submitted Arboricultural Method Statement also details some areas of Japanese Knotweed are present on the site. The Countryside Section have been consulted, however no comments have been received on this issue at the time of writing this report. Notwithstanding this, it is considered this is not an issue that would warrant a refusal reason, and this matter can be dealt with by a suitable informative note advising the developer.

### **Access and highway safety**

No objection has been raised by the Transportation Section. They detail some minor changes are required to the access, which could be obtained by a condition if permission were to be granted. These include the lack of uncontrolled pedestrian crossing facilities to cater for pedestrian movements to and from the apartments / flats, the transition of width of the access road from 6.1m to 5.5m, extent of the proposed plateau / raised carriageway, alignment of the private shared drive serving plots 5-9 and lack of dedicated bin storage facility at the private shared driveway.

The site is considered to be in a sustainable location where occupiers are close to public transport links and the centre of Aberdare. The development would provide acceptable parking levels for the proposed dwellings.

As previously detailed, the existing lay-bys located along the site frontage include some restrictions to parking, including limiting parking when school buses would have dropped off and picked up children from the former school. The Transportation Section advises a traffic order would remove the restriction and would provide additional parking provision. They also advise the proposal involves the enhancement to bus services, which would be a benefit to the development and the area as a whole. Members are advised that these would be secured via Highways legislation.

Finally whilst the suggested condition requiring a construction method statement is appreciated, it is considered these details can be secured more effectively by other legislation.

Therefore taking into account the above, 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:

### **Land stability and past coal mining works**

The application site falls within the defined Development High Risk Area for past coal mining works and the planning application is supported by a Coal Mining Risk Assessment Report. The Coal Authority concludes that there is a potential risk to the development from past coal mining activity. The report recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. It is considered that this can be established by a suitably worded condition.

### **Public Health Section Comments**

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered demolition, noise, dust, waste and lighting matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission regarding these issues.

### **Drainage and flooding**

Natural Resources Wales identify that an area to the front of the site, at the entrance, is within a flood zone. They do not object or require any conditions with regard this issue. They do however advise a Flood Consequence Assessment is carried out by the developer to determine flood depths and velocities for the access roads to inform any evacuation plan. It is considered as no objection or condition is raised that this can be dealt with by an informative note if permission were to be granted.

Dwr Cymru/Welsh Water identify a sewer crosses the site and that no development take place within 3m of the pipe. It is considered that control of this would come under other legislation and that an informative note advising the developer of this would be appropriate.

As a result of the public consultation exercise a neighbour has raised an issue of who maintains a culvert under the site. This is noted and it is the responsibility of the relevant land owners to maintain any culvert on their land.

### **Employment and Skills Plan**

The Council's Supplementary Planning guidance on Employment and Skills requires applications for over 25 dwellings to secure a plan that should set out the type of training and employment opportunities that will be offered to people within RCT through the development. The developer has agreed to this and Members are advised this can be secured by a Section 106 agreement if permission is granted.

### **Community Infrastructure Levy (CIL) Liability**

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

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

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

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

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

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 SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

**The Section 106 requirements in this case:**

- 1 Tree Monitoring and Maintenance Plan to ensure their long-term monitoring and aftercare.
- 2 Employment and Skills Plan.

**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 residential amenity, the impact on the character and appearance of the area and parking and highway safety (Policies AW1, AW2, AW5, AW6, AW7, AW8, AW10 NSA12 and NSA13).

**RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- P01 House Type A received 4<sup>th</sup> April 2016
- P02 House Type B received 4<sup>th</sup> April 2016
- P03 House Type C Plans received 4<sup>th</sup> April 2016
- P04 House Type C Elevations received 4<sup>th</sup> April 2016
- P05 House Type D received 4<sup>th</sup> April 2016
- P06 House Type E Plans received 4<sup>th</sup> April 2016
- P07 House Type E Elevations received 4<sup>th</sup> April 2016
- P08 Garages received 4<sup>th</sup> April 2016
- P15A Proposed Ground Floor Basement Plan received 5<sup>th</sup> August 2016



- P16A Proposed First Floor Plan received 5<sup>th</sup> August 2016
- P17A Proposed Roof Plan received 5<sup>th</sup> August 2016
- P18A Proposed Elevations 1 received 5<sup>th</sup> August 2016
- P19A Proposed Elevations 2 received 5<sup>th</sup> August 2016
- P21C Proposed Site Plan received 5<sup>th</sup> August 2016
- P22A Proposed Site Plan received 5<sup>th</sup> August 2016
- 2016/.75 Rev B Tree protection plan received 15<sup>th</sup> August 2016
- 2016/.76 Rev B Landscaping proposals received 15<sup>th</sup> August 2016

and documents received by the Local Planning Authority on 4<sup>th</sup> April 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact in accordance with Policy AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

4. All works shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan as submitted on the 15<sup>th</sup> August 2016.

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

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

Reason: The site may be unstable due to past coal mining and as such a

stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Any demolition shall be carried out in accordance with a method statement for nesting birds that shall have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of development outside the former school building, details for the provision of bird boxes (including at least 4 Swift boxes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

8. Notwithstanding the submitted plans no development shall take place outside the former school building until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

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

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

10. Notwithstanding the submitted plans no development shall take place

outside the former school building until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained in perpetuity.

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. Before work starts on the school building, the design and details of the following for the former school building shall be submitted to and approved in writing by the Local Planning Authority

- (a) windows; and
- (b) rainwater goods;

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

Reason: To ensure that the works will be in keeping with architectural and historic character of the building in accordance with Policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

12. Notwithstanding the approved plans and prior to works commencing on site in relation to Plots 1-18, full engineering design and details of the access to be constructed from Cwmbach Road as shown on layout plan PL 21 Rev C, including longitudinal and cross sections, street lighting details, surface water drainage, diversion or protection to services within the proposed new access road, bus stop improvement and lay-by alterations and any works necessary to retain the uncontrolled pedestrian crossing point to the west of the access including construction details shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first beneficial occupation of any dwelling hereby permitted.

Reason: To ensure the delivery of the proposed highway improvements to facilitate safe access and egress from the proposed development in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the approved plans and prior to works commencing on site in relation to Plots 1-18, full engineering design and details of the internal road layout including longitudinal and cross sections, street lighting details, cycle storage, traffic calming parking bay layout/allocation, surface-water drainage and details of private shared accesses and associated bin

storage, and including construction details shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first beneficial occupation of any dwelling hereby permitted.

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

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

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

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

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

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

16. No construction works outside the former school building shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling hereby approved the drainage works shall be 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.

17. Prior to the occupation of any dwelling within the former school a bin store shall have been provided in accordance with details to have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate storage of waste in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>16/0603/10</b>	<b>(HW)</b>
<b>APPLICANT:</b>	<b>Energyst Ltd</b>	
<b>DEVELOPMENT:</b>	The proposed development is a gas fuelled power plant which may include an element of energy storage to be located on land within the Hirwaun Industrial Estate (amended details received 2/9/2016).	
<b>LOCATION:</b>	<b>UNIT O, HIRWAUN HOUSE WALTERS GROUP. HIRWAUN INDUSTRIAL ESTATE, HIRWAUN, ABERDARE CF44 9UL</b>	
<b>DATE REGISTERED:</b>	<b>02/09/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Rhigos</b>	

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**RECOMMENDATION: Approve**

**REASONS:** The proposed gas fuelled power plant is to be located on an Industrial Estate which in principle is considered a suitable location for such development. The main issue in considering this application is the potential for the power plant to emit high levels of noise when it is operating, and the impact on residents living around the edges of the Industrial Estate. Following amendments to the scheme, the revised Sound Assessment submitted has concluded that the noise levels have a low impact on residential properties, both in the day and at night.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application is being reported to the Development Control Committee as more than three objections to the scheme have been received. In addition, the local member has requested that the scheme is considered by the Committee due to concerns regarding the potential impact of noise, particularly in accumulation with past and present proposals/ developments in the area.

## **APPLICATION DETAILS**

The application is for a “peaking plant”, or “short-term operation reserve” (STOR). This is a small power plant which is designed to generate electricity for the grid in

peak times. This proposal consists of five gas fuelled turbines to generate electricity within a compound measuring 57 x 31 metres. Each turbine is in a container-type structure with access doors for maintenance. Each container has a footprint of 12 metres x 3.2 metres, and is 3.5 metres high. A vertical exhaust with a height of 3.5 metres is mounted on the roof of each container. A radiator will be mounted on the ground adjacent to each. All plant equipment on the site will be painted dark green. The turbines would have a total capacity of 9.25 megawatts. They are proposed to connect to the gas network in the adjacent Main Avenue.

As well as the turbines, there is a transformer, gas kiosk and other associated plant within the compound. There is also a gated vehicular access proposed directly from Main Avenue for maintenance purposes.

It is understood that the proposal is actually for a maximum of five turbines with the potential for some or potentially all of them to be replaced with batteries, which would store electricity from the grid and release it back into the grid at peak times.

The site is proposed to be unmanned with a visit by a maintenance engineer once a month. The facility would be operated and controlled remotely. The hours of operation are unknown at present as the owners have not yet bid for a specific contract to provide energy to the grid. It is understood that they are unable to do so until they have planning permission.

As well as the plans, a Planning Statement, Sound Assessment, Air Quality Impact Assessment and Coal Mining Risk Assessment have been submitted as part of this application.

## **SITE APPRAISAL**

The proposed compound containing the plant is to be located in the storage yard at the Pennant Walters Headquarters on Hirwaun Industrial Estate. The compound is along the eastern boundary of the yard, and is about 100 metres from the main car park for the headquarters building. The compound is adjacent to Main Avenue in the north, and there are other industrial uses to the north, on the opposite site of Main Avenue. To the east is an earth bund and the south is a steep bank. To both the east and south there are a number of mature trees which form a buffer between the Industrial Estate and Rhigos Road.

Around the edges of the Industrial Estate are a number of residential properties in Halt Close, Halt Road and Rhigos Road. The nearest is the Fairways, which is at a distance of 201 metres from the site. The Blaencynon Special Area of Conservation (SAC), which is a European Protected Site is approximately 830 metres north of the proposed power plant.

## **PLANNING HISTORY**

None relevant.

## **PUBLICITY**

Site notices were placed in the vicinity of the site and letters were sent directly to neighbouring properties.

Eight letters of objection have been received to this proposal, as well as a petition of 31 signatures. The concerns raised are summarised as follows:

- Noise levels of the turbines when in operation, both in the day and at night;
- Noise mitigation may not be adequate and may not be provided;
- The methodology for the sound assessment;
- When the facility might operate as the hours are not clear;
- Air pollution due to the exhausts and how it will impact on health and wellbeing and the nearby reservoir;
- The development will have an unacceptable visual impact;
- The safety of such an installation, particularly due to surrounding land uses and that it will be unmanned;
- Potential odour;
- The impact of this proposal in accumulation with other developments on the Industrial Estate;
- Control of waste;
- Increase in traffic;
- No proposals for the disposal of surface water or foul sewage;
- Lack of details in the planning application;
- Lack of consultation of the neighbours and community prior to submission;
- Impact on house prices.

## **CONSULTATION**

Public Health and Protection - initially raised concerns regarding noise and lack of detail of mitigation measures. However, following revised details and revised sound assessment, no objection has been revised subject to conditions.

Highways Development Control - no objection raised subject to conditions.

Land Reclamation and Engineering - no objection, subject to a condition for drainage details.

Countryside - NRW's comments need to be sought over the air quality implications for the Special Area of Conservation.

Brecon Beacons National Park Authority- no objection, subject to conditions.

Wales and West Utilities - the developer must not build over any of their plant or enclose their apparatus.

Natural Resources Wales - no objection, following further information.

Health and Safety Executive - HSE do not need to be consulted as the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Coal Authority - no objection, subject to condition.

Rhigos Community Council - object, on the grounds of noise pollution.

Western Power Distribution - no comments made.

National Grid - no comments made.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan (LDP)**

The site is located on Hirwaun Industrial Estate, which under Policy CS9.2 is seen as a suitable location for “in-building” waste management facilities.

The following policies are considered relevant to this development:

Policy AW5- New Development

Policy AW8- Protection and Enhancement of the Natural Environment

Policy AW10- Environmental Protection and Public Health

Policy AW12- Renewable and Non-renewable Energy

### **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.

Chapter 7- Economic Development, Chapter 13 - Infrastructure and Services, and Chapter 13- and Managing Environmental Risks and Pollution are considered to be relevant to this development.

## **REASONS FOR REACHING THE RECOMMENDATION**



It is important to note that this is a small power plant and is significantly smaller than the 299 megawatt Hirwaun Power Plant that has already been permitted on Hirwaun Industrial Estate via a Development Consent Order (application ref 14/0527/04).

The principle of locating the type of development subject of this application on an industrial estate is considered acceptable due to the plant having a similar character to the surrounding industrial uses. However, it is acknowledged there are a number of residential properties located around the edges of Hirwaun Industrial Estate and the impact on their amenity from this proposal needs to be considered. The principle consideration in this is considered to be the impact from noise.

The original sound assessment suggested the development would have a an "adverse" impact on neighbouring residential properties during the day and would have a "significant adverse" impact at night. There was also was concern raised by Public Health that there were insufficient details of mitigation measures to prevent this. Following discussions it came to light the providers of the plant were able to supply appropriate mitigation that would reduce the impact of the noise during both the day and the night.

A revised Sound Assessment has therefore been submitted on this basis which was concluded that the development would have a low impact on surrounding residential properties in Halt Close, Halt Road and Rhigos Road. During the day time it is predicted that the levels of noise would be significantly below the background noise level. During the night time it is predicted that noise levels on Halt Road would be significantly below background noise level as well. In relation to Halt Close and Rhigos Road at night time, there will be a small increase in noise level of +2 and +4 decibels respectively. However, the applicant has advised that there is an uncertainty in the calculated noise level of up to  $\pm 3$  decibels so the noise levels could be 3 decibels higher than this, which would lead to increased noise level of up to +5 and +7 decibels in these locations at night. These levels would be classed as adverse impact. Due to this uncertainty a condition for opening hours is considered appropriate and Public Health and Protection have no objection subject to this. This would not allow operations beyond 23:00 at night. Allowance has however been made in the condition for an emergency situation.

In regard to the potential for battery storage, while it is unknown at present whether the compound would contain these batteries, each battery would be a replacement for one of the turbines. As five gas turbines would have the greatest level of impact, particularly in terms of noise, it is considered appropriate to assess the proposal on the basis of this "worst case scenario".

## **OTHER ISSUES**

In respect of air pollution, an assessment has been submitted regarding the impact on the SAC, and NRW have not objected following the clarification of some details.

Concern has not been raised by Public Health and Protection in this regard, nor in regard of any odour.

In respect of safety, the site does not fall into a zone where a consultation with the Health and Safety Executive is required. Although the site is unmanned, it will be monitored and controlled remotely and the applicant has stated there will be regular maintenance visits and the appropriate Health and Safety regulations will be followed in its operation.

In respect of highways issues, as the site is unmanned there is not considered to be a significant increase in traffic from this development, nor issue in respect of waste.

It is considered the disposal of surface water can be dealt with via conditions. There are no proposals for foul flows from the site.

There was no statutory requirement on this proposal to consult neighbours prior to submission and impact on house prices is not considered a relevant planning issue in itself in the determination of an application.

### **COMMUNITY INFRASTRUCTURE LEVY (CIL) LIABILITY**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014. The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **CONCLUSION**

The proposed gas fuelled power plant is considered to be acceptable for the reasons above and therefore it is recommended that planning permission is granted.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s) Figure 1, Figure 2, Figure 3 and Sound Assessment received by the Local Planning Authority on 2nd September 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

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

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. 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.

5. Prior to the beneficial use of the power plant, the existing lamp post in front of the proposed access shall be moved in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority.

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

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

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

7. 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:

1. 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.
2. 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.
3. 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.

8. The development, hereby permitted, shall not be brought into beneficial use until the measures approved in the scheme (referred to in Condition 7) 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.

9. 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.

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

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

11. No development shall take place, 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,
- a) The parking of vehicles of site operatives and visitors,
- a) The management of vehicular and pedestrian traffic,
- a) Loading and unloading of plant and materials,
- a) Wheel wash facilities,
- b) The sheeting of lorries leaving the site.

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

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

12. The plant shall be finished in RAL 6007 “bottle green” unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the industrial estate, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. No plant shall be operated 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.

14. Should any of the turbines be replaced with batteries, this shall be done on a one-for-one basis and a plan of the details of the batteries and revised layout plan shall be submitted to and approved by the Local Planning Authority prior to their installation.

Reason: To clarify how the site is being developed, and ensure no additional impacts.

15. The power plant shall only operate during the following times:

Monday to Saturday 08:00 to 23:00  
Sunday and Bank Holiday 10:00 to 23:00

The only exception to this shall be in the case of an emergency due to a power shortage in the grid, in which case the operator shall write to the Local Development Authority to advise them of the incident and reason prior to the incident occurring, or if not practicable, as soon as is practicable following the incident.

Reason: To ensure no disturbance due to noise, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. If the plant ceases to be in use for 12 months, then within a further 6 months the plant and equipment shall be completely removed from the site.

Reason: In the interests of the appearance of the industrial estate, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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<b>APPLICATION NO:</b>	<b>16/0853/10</b>	<b>(GW)</b>
<b>APPLICANT:</b>	<b>Mr Philip Bromwell</b>	
<b>DEVELOPMENT:</b>	Conversion of former licensed premises into 9 flats. Re-submission of 15/1288/10.	
<b>LOCATION:</b>	<b>50 YSTRAD ROAD, PENTRE, CF41 7PH</b>	
<b>DATE REGISTERED:</b>	<b>02/08/2016</b>	
<b>ELECTORAL DIVISION:</b>	<b>Pentre</b>	

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**RECOMMENDATION:** Approve, subject to a S.106 Agreement

**REASONS:** The application has previously been reported to Development Control Committee and was refused only on the lack of information with regard to the impact on bats.

A bat survey has been submitted by the applicant, which details no evidence of bats was found at the building. The Council's Ecologist considers this acceptable and as such this refusal reason has been overcome.

The submitted plans are the same as previously assessed and as such, in relation to other material planning considerations, are considered acceptable.

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**REASON APPLICATION REPORTED TO COMMITTEE**

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

## **APPLICATION DETAILS**

The application seeks full planning permission for the conversion and extension of the former licensed 'Thirsty Pelican'/ Ton Pentre Conservative Club at 50 Ystrad Road, Ton Pentre to provide nine residential properties. Members are advised this is a resubmission of a previous application (15/1288) which was reported to Development Control Committee on 21<sup>st</sup> January 2016 and was refused for the following reason:

*1 Insufficient information has been submitted to demonstrate that the development proposed would not have a detrimental impact on any protected species that may be using the building or curtilage contrary to policy AW8 of the Rhondda Cynon Taf Local Development Plan.*

Members are advised this application is accompanied by a bat survey and that this concludes that no evidence to suggest bats had recently used the building for roosting.

The plans submitted are the same for the previous application. These detail the provision of three, one bedroom units at ground floor level, each with their own front door in the south-western (front) elevation; with two No. two-bedroom units and a one No one-bedroom unit provided on both first floor and second level. Access to the proposed first and second floor level accommodation would be via a communal access in the south-western (front) elevation and central stairwell. A secondary means of access would be provided via an external steel staircase that would adjoin the north-eastern (rear) elevation.

The second floor accommodation would be partially provided within a new extension that would be developed above an existing lean-to extension that adjoins the south-eastern (side) elevation of the main building. The proposed extension would measure 5.6m wide and 9m deep. The extension would be finished with rendered elevations and a hip roof finished with reconstituted slate, to match the north-western end of the building with a maximum height of 12.7m (when measured from pavement level) falling to 9.4m at eaves level.

Due to the constrained nature of the site there would be a small area of communal amenity space provided to the north-east (rear) of the building. However, there is no potential to provide any off street parking to serve the development.

## **SITE APPRAISAL**

The application site comprises a large, semi-detached, three storey building, with associated two storey lean to extension. As a whole the building measures 21.7m wide, 9.3m deep with a maximum height of 12.7m falling to 6.5m, positioned on the north-eastern side of Ystrad Road. The building is street fronted and is located opposite the petrol and train stations on Ystrad Road.

The application site and surrounding area is positioned on a slope that falls gently from north-west to south-east and more steeply from north-east to south-west. As a result the property is significantly below the level of the residential properties in Pleasant View to the rear (north-east), is below the internal floor level of the flats and dwelling to the south-east and is slightly raised relative to the finished floor level of 53-54 Ystrad Road to the south-east.

The application site is unallocated and within the settlement boundary of Ton Pentre.

### **PLANNING HISTORY (Relevant to application)**

15/1288	50 Ystrad Road, Ton Pentre, Rhondda	Extension and conversion of former licensed premises into 9 no. flats.	Refused 28/01/16
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### **PUBLICITY**

The application has been advertised via the erection of site notice and by direct neighbour notification. No correspondence has been received at the time of writing this report.

### **CONSULTATION**

**Countryside Section** – the bat survey assessment is a thorough and appropriate survey/assessment (based on site investigations and emergence work) which has found no evidence of a bat roost in the building. As such no specific mitigation or Bat Licence is required. If this one gains planning permission we should still append the appropriate bat advisory note to any permission.

**Dwr Cymru/Welsh Water** – no objection subject to conditions requiring drainage details. Advisory notes are provided.

**Flood Risk Management** – no objection.

**Public Health and Protection** – no objection subject to conditions on demolition of existing dwellings, hours of operation, noise and dust.

**Transportation Section** – no objection. There is concern with regards the shortfall in the off-street car parking provision for residents who are more likely to require long term parking than patrons. However, a contribution of £5,000 has been requested to



provide an upgrade to an existing bus stop and as well as a condition for cycle parking to promote sustainable modes of travel and on this basis on balance the proposal is acceptable.

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

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

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

**Policy NSA12** – details criteria for housing development within and adjacent to settlement boundaries.

**Policy NSA13** – Conversion of large buildings for residential purposes will be permitted provided: the site is within the settlement boundaries, the building is of historic or architectural importance and makes a valuable contribution to the townscape and there is no economically viable alternative use.

## **Supplementary Planning Guidance**

Access Circulation and Parking  
Design and Placemaking  
Development of Flats  
Nature Conservation  
Planning Obligations

### **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 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application, Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution).

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 23: Economic Development; and  
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**

As detailed above, the application proposes the conversion and extension of a former licensed premise to create 9 flats (five No. one-bedroom and four No two-bed units).

Members should note a similar application for the conversion of the building to flats (15/1288) has previously been reported to Development Control Committee in January 2016. This was refused only due to the lack of information regarding the impact on bats. As such this is in essence an application to overcome that refusal reason.

The Council's Supplementary Planning Guidance on the conversion of flats generally supports development which makes a positive contribution to housing choice, result in a sustainable form of development, and which is well designed.

The building is currently vacant and is located within the settlement development limits of Pentre. As such its conversion to flats would provide beneficial residential accommodation and would visually improve its appearance through the buildings re-use. The property is located approximately 300 metres from the shops, facilities, and public transport options of Pentre. In light of the above, the site is considered to be sustainably located.

The key considerations with regards to the application have been determined as the impact on ecology (bats); the proposal on the character and appearance on the area; the residential amenity of those living closest to the site and highway safety.

Therefore, it is considered the principle of a residential use of this building would be acceptable subject to the following material planning considerations.

### **Ecology (bats)**

A bat survey carried out by The Countryman: Wildlife Consultancy has been submitted with the application. This concludes that no evidence of bats was found at the building. The Council's Ecologist considers the survey thorough and an appropriate assessment. As such no specific mitigation or Bat License is required. A bat informative note should however be appended if permission is granted.

In light of the above it is considered that the previous refusal reason has been overcome and the issue is acceptable.

### **Character and appearance of the area**

Whilst the application proposes a second floor extension above the existing lean-to which would accommodate one, two-bedroom unit, the works of conversion would largely take place within the fabric of the building and would utilise material in keeping with the existing building. It is considered that the design and external finish of the proposal in association with the density of development would not have a significantly detrimental impact on the overall character and appearance of the area. In contrast, it is considered that the active reuse of such a visually prominent building could have a beneficial impact of the overall vitality and viability of the street scene. As such the application is considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity**

Further to a site visit it has been determined that there are a number of residential properties immediately adjacent to the site: Flats within The Hayloft (49-50 Ystrad Road) and a detached dwelling known as Lisworney to the north-west; terraced dwellings within Pleasant View to the north-east and flats within 53-54 Ystrad Road to the south-east. The proposed floor plans submitted indicate that all habitable room windows would be either south-westerly or south-easterly facing, overlooking Ystrad Road or the blank elevation of 53-54 Ystrad Road. The development would make use of existing openings in the north-easterly (rear) elevation however these would predominantly serve kitchens or hallways.

Although the plans submitted indicate the provision of a new fire escape adjoining the north-eastern elevation, this would not be large enough to provide an external seating area. Being mindful of the existing topography of the area, which falls down towards the site, conversion within the existing fabric of the building and the reuse of existing openings and internal arrangement proposed, it is considered that the proposal would not generate an increased level of overlooking or loss of privacy significantly detrimental to the residential amenity of those living closest to the site. It is also considered that the orientation of the site, size of the principle building and position of the proposed extension would prevent the development from generating any increased overshadowing or loss of light.

Following public consultation no objections have been received. It is however noted that concerns were raised, in the previous application, regarding the position and use of the proposed fire-escape on the privacy and amenity of existing residents, particularly those within Pleasant View to the rear of the site. Whilst it is appreciated that the fire-escape would allow an elevated access to the rear yard and the streets to the rear, it is considered that the size of this aspect of the development in association with the topography of the area would prevent it from being so significantly detrimental to residential amenity to warrant refusal of the application on such grounds. Being mindful that the steps and doors in the north-eastern (rear) elevation are to be used as fire-escape there is the potential that it would be fitted with an alarm system to discourage residents using it as a principle access.

In terms of the occupiers of the dwellings the proposed flats are considered of sufficient size. There is some amenity space to the rear of the building, which would provide some space to store bins off the pavements. Details of which can be obtained by a condition if permission is granted. The accesses are from the main road and well overlooked. As such, in these terms, it is considered the proposal would accord with guidance within the Council's Supplementary Planning Guidance for flat development.

It is therefore considered that the development would not have a significant detrimental impact on the amenity of the occupiers of the proposed dwellings and on surrounding residents. The application is considered compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

Following consultation, The Authority's Transportation Team has provided the following summarised response:

*"The proposed is served off Ystrad Road, A4058 which has a carriageway width of 7.5m with double yellow lines on both carriageway lanes. Pedestrian access is via a continuous pedestrian links which are satisfactory to serve the proposed development.*

*To the rear is a terrace street, Pleasant View, which is a residential cul-de-sac with no turning area. There is a secondary pedestrian access/ fire escape which exists onto the terrace street which is acceptable for safe pedestrian access.*

*In accordance with the SPG, the area and use of the ground and first floor of the premise as a public house/ club with third floor residential accommodation would require up to a maximum of 71 car spaces with 1 commercial space with none provided. The proposed use requires up-to a maximum of 13 spaces in accordance with the SPG Flats and Conversions, with none provided. There are traffic regulation orders in place preventing on-street car parking along the A4058.*

*There is a parking lay-by located to the north of traffic lights with some potential to accommodate parking during the day, this is likely to be used by existing residents during the evening and at weekends.*

*There is concern with regards the lack of off-street car parking proposed with the development, There is potential to mitigate against the impact of the proposal on highway safety by promoting the use of sustainable modes of transport such as bus, rail and cycling, There is a bus stop on Ton Pentre railway bridge which is in need of upgrading with raised border kerbing and new shelter at a cost of £5,000 which would promote the use of sustainable transport by able and less able bodied pedestrians. There is also some potential to provide secure cycle-parking to the rear of the building (by way of condition) which could mitigate the impact of the proposal. In light of these requirements, on balance, the proposal is acceptable.*

The lack of parking proposed for the development was a significant concern for local residents in the previous application (15/1288). However, Members are advised to be mindful of the parking demand that would have been generated by the extant use relative to the proposal, the lack of opportunity to provide any off street parking, the proximity of the site to both the railway station and bus route and the potential to provide secure on site cycle parking by way of condition. Members should also note the applicant has agreed to enter into a Section 106 legal agreement to provide £5,000 towards the upgrading of a bus stop on Ton Pentre rail bridge. Whilst there are bus stops on Ystrad Road, a similar distance to the site; the bus stop in question is covered and would be more likely to be used when shelter from the weather is

required. As such, this would encourage, the residents of the property to use the public transport facilities in the immediate vicinity.

Therefore, on balance, it is considered that the development would not generate an increased level of highway safety concerns to warrant refusal of the application. The proposal is therefore considered as compliant with the requirements of policy AW5 of the Rhondda Cynon Taf Local Plan.

### **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 Section Comments**

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered demolition, noise, dust, waste and lighting matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission regarding these issues.

### **Drainage**

Dwr Cymru /Welsh Water require that surface water should not drain to the public sewerage system. Whilst their comments are appreciated the extension is of a small scale to an existing building that has existing drainage. It is considered an appropriate drainage system can be controlled through Building Regulations.

### **Community Infrastructure Levy (CIL) Liability**

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

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

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

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

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

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 SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case**

1. The developer would be expected to enter into a legally binding agreement (S.106 of the Town and Country Planning Act) to make a financial contribution in the sum of £5000 towards improving a bus stop in the vicinity of the site which would be used by residents of the proposed development.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, ecology, the impact on the character and appearance of the area, the impact on residential amenity and parking and highway safety and ecology (Policies AW1, AW2, AW5, AW6, AW8, NSA12 and NSA13).

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Location Plan received 11<sup>th</sup> March 2016
- Drawing no. 2441C02 Proposed ground floor plan, first floor plan and front elevation received 2<sup>nd</sup> August 2016.
- Drawing no. 2441C03 Proposed rear and side elevations, second floor plan and block plan received 2<sup>nd</sup> August 2016.

and documents received by the Local Planning Authority on 2<sup>nd</sup> August 2016, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The development shall not be brought into use until space has been laid out within the site for secure cycle parking in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason: In the interests of road safety and to promote the use of sustainable mode of transport in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The development shall not be brought into use until space has been laid out within the site for the storage of bins in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

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

5. The external materials of the proposed extension shall match as near as possible the materials of the existing building.

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

6. Prior to the commencement of development details of the fire escape doors shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to occupation of any of the dwellings hereby permitted.

Reason: To ensure the rear entrance is a fire escape and not a primary means of access in the interest of residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**6 OCTOBER 2016**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATIONS RECOMMENDED  
FOR APPROVAL**

**OFFICER TO CONTACT**

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

**See Relevant Application File**

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