



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**GWŶS I GYFARFOD PWYLLGOR**

C Hanagan  
Cyfarwyddwr Gwasanaeth y Cabinet a Chysylltiadau Cyhoeddus  
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf  
Y Pafiliynau  
Parc Hen Lofa'r Cambrian  
Cwm Clydach, CF40 2XX

Dolen gyswllt: Hannah Williams - Uned Busnes Rheoleiddiol a Gweithredol (Ffôn:  
(01442 424062)

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal **AR Y SAFLE** ar **DYDD MAWRTH, 31AIN GORFFENNAF, 2018** yn unol â'r manylion isod.

**AGENDA**

**DATGANIADAU O FUDDIANNAU** – Derbyn datganiadau o fuddiannau personol gan Gynghorwyr, yn unol â gofynion Côd Ymddygiad y Cyngor.

**Noder:**

Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw.

Lle bo Aelodau'n ymneilltuo o'r cyfarfod o ganlyniad i ddatgelu buddiant sy'n rhagfarnu, **rhaid** iddyn nhw roi gwybod i'r Cadeirydd pan fyddan nhw'n gadael.

<b><u>AMSER</u></b>	<b><u>LLEOLIAD</u></b>	<b><u>PWRPAS</u></b>
<u>10.00 am</u>	EMPIRE GARAGE, LANELAY ROAD, TONYSGUBORIAU, PONT-Y-CLUN, CF72 8HY	Trafod adroddiad Cyfarwyddwr Gwasanaeth – Materion Cynllunio mewn perthynas â Chais 18/0187/10 – Cynnig i ddymchwel adeilad cyfredol, ac yna adeiladu 15 fflat a gwneud gwaith cysylltiedig (Cynlluniau diwygiedig wedi dod i law 15/05/2018 a 21/05/2018). Empire Garage, Lanelay Road, Tonysguboriau, Pont-y-clun, CF72 8HY.

**Cyfarwyddwr Gwasanaeth y Cabinet a Chysylltiadau Cyhoeddus**

## **Cylchrediad:-**

### **Aelodau o'r Pwyllgor Cynllunio a Datblygu:**

Cadeirydd ac Is-gadeirydd y Pwyllgor Materion Rheoli Datblygu  
(Y Cynghorydd S Rees a Y Cynghorydd G Caple)

Y Cynghorydd J Bonetto, Y Cynghorydd D Grehan, Y Cynghorydd G Hughes,  
Y Cynghorydd P Jarman, Y Cynghorydd W Owen, Y Cynghorydd J Williams,  
Y Cynghorydd S Powell, Y Cynghorydd J Harries and Y Cynghorydd R Yeo

Cyfarwyddwr Gwasanaeth – Materion Cynllunio  
Rheolwr Gwasanaethau Datblygu  
Rheolwr Gwasanaethau Datblygu  
Rheolwr Datblygu Priffyrdd a Mabwysiadu Priffyrdd

### **Safle 1**

Cynghorydd Lleol yw'n aelod o'r pwyllgor - Y Cynghorydd S Powell



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 JULY 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0187/10 (HL)  
**APPLICANT:** Hafod Housing Association  
**DEVELOPMENT:** Demolition of existing building and new development of 15 no. apartments and associated works (Amended plans received 15/05/2018 and 21/05/2018).  
**LOCATION:** EMPIRE GARAGE, LANELAY ROAD, TALBOT GREEN, PONTYCLUN, CF72 8HY  
**DATE REGISTERED:** 21/03/2018  
**ELECTORAL DIVISION:** Talbot Green

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**RECOMMENDATION:** Approve subject to conditions and the completion of a Section 106 agreement.

#### **REASON:**

The proposed development presents an opportunity to provide new housing on a previously developed site within the settlement boundary of Talbot Green and would make a contribution to addressing the Council's housing land supply shortage. It is also considered that the proposal represents a more neighbourly form of development within a residential area, in comparison to the former use of the site as a vehicle sales premises.

The proposed development is compliant with planning policy and is acceptable with regard to all other material planning considerations.

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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**

The application seeks full planning permission for the construction of 15 No. flats over three floors on the site of the former Empire Garage. The proposed building would be of three storey construction measuring at its greatest, 26.8m wide, 16.9m

deep with a maximum height of 10.7m falling to 6.9m at eaves level. Externally the plans detail that the building would be finished with stone, brick and render elevations, grey coloured upvc windows, doors and fascias and a concrete tiled roof with a stepped ridge line. The front elevation would have two front facing gables creating a hipped roof design overall. Internally the accommodation would comprise 10 one bedroom units and five, two bedroom units. A modest area of amenity space would be provided to the front and rear of the building. The boundaries of the site would be defined by a combination of 0.9m high brick wall with railings above and 2.1m high close boarded fence.

The principle elevation of the building would face Lanelay Road with 2 windows and a roof light provided in the eastern elevation serving living rooms and 3 windows and a roof light in the western elevation serving a hallway and kitchen at ground floor level, and the hallway at first and second floor level.

Vehicular access to the site would be gained from the adopted lane to the east of the development which in turn adjoins with Lanelay Road (C111) adjacent to the southern boundary of the site. The building would have pedestrian access via clearly defined pavements to the front and rear with a central internal stairwell providing access to all floors. 14 parking spaces are indicated in a courtyard area to the rear of the building along with cycle store and bin storage facilities.

The application is accompanied by the following:

- Design and Access Statement;
- Pre-application consultation summary report;
- Ecology report; and
- Transport Statement.

## **SITE APPRAISAL**

The application site comprises the former Empire Garage site, Lanelay Road. The plot which has a road frontage with Lanelay Road of 30m and a depth of 36m (0.10 ha) The site is positioned approximately 6m to the north-east of 40 Lanelay Road; 10m to the south-west of 30 Lanelay Road and 4.7m to the south-east of Talbot Green Golf Club. With the exception of a modest flat roof demountable building, positioned in the north-western part of the site, the plot is currently vacant with the boundaries defined by steel railings, steel palisade fencing and ship lap boarding fencing.

The lane abutting the eastern boundary of the site, over which access is to be gained is adopted but unclassified and provides a rear access to the residential properties to the east and west of the application site.

The area as a whole is positioned on a slope falling gently from north-east to south-west and more substantially from north-west to south-east. The site is therefore raised relative to Lanelay Road to the south and number 40 to the south-west and is below the rear lane and Talbot Green golf course to the north-west and number 30 Lanelay Road to the north-east. Tonysguboriau County Primary School and associated grounds are located to the south-east of the site, on the opposite side of Lanelay Road. Access to the school is gained from Cowbridge Road.

Double yellow lines are in place on both sides of the carriageway directly outside the site. Talbot Green bus station and the commercial centre are located approximately 360m from the site.

## **PLANNING HISTORY**

14/0223	Change of use of forecourt from commercial vehicle sales to hand car wash	Refused 15/04/14 Appeal Dismissed 03/11/14
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## **PUBLICITY**

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

22 letters of objection, including two from Owen Smith MP, and a shadow analysis have been received and are summarised as follows: –

### Residential amenity

- The apartment block will overlook the neighbouring properties leading to a loss of privacy and increased overlooking and will detrimentally impact on the quiet enjoyment of homes and gardens.
- The height of the building will affect natural day light to the closest properties.
- The development will overshadow habitable rooms leading to loss of light and increased overshadowing creating dark and gloomy room which will detrimentally affect health and mental wellbeing.
- The parking area adjacent to gardens and homes will cause noise, pollution and dust.
- Construction works will cause noise, pollution and limit light.
- There will be an increase in noise from the use of the apartments; noise from residents car park usage which has the potential to be 24/7; noise from vehicles waiting for the gated area to open and the gates themselves.
- Lighting of the rear parking area, in order to maximise surveillance and minimise fear of crime will adversely affect existing residents at night.

Design

- The building will be visually overbearing and an inappropriate design for the location.
- The layout and siting will be inappropriate and unsympathetic to the appearance and character of the local environment.
- The height and scale of the building will be out of keeping with the neighbouring properties which are smaller, two storey in height and built in a traditional design.
- The height will be exceeded only by the recent development of the Hand and Squirrel pub which will mean that developments of flats are being built to dominate the landscape.
- The difference of the facade height relative to number 40 will be 6 metres due to the fact that the gable ends have been turned 90 degrees.
- The cumulative height will be 12 metre between the two finished floor levels.
- The site was purchased subject to planning which suggest the developers may have concerns over whether the site can be developed in a viable manner. This seems to have resulted in more flats than can be reasonable accommodated on the site. A reduction to two storeys can be the only real basis for acceptance, even is this compromises ultimate viability.
- Why cant the apartments face the main road and not other properties?
- A property on Lanelay Road was instructed to knock down and rebuild a front wall because it was not in keeping with surrounding properties. The same response must be given to this.
- The proposed dormer windows introduce a design feature not evident on the front of any other properties.

#### Access and highway safety

- The entrance to the lane which is the existing access for cars entering the rear of 1-30 and 40-48 is too narrow. 2 cars are unable to pass especially at the entrance.
- The plans have been amended to utilise part of the land adjoining number 30 for access and parking for the development. This will have a detrimental impact on the residents of number 30 as it is recommended by South Wales Police that the area be gated to prevent unauthorised access. This would prevent number 30 from accessing their parking area and house.
- Lanelay Road is already busy and congested. This additional concentration of traffic and roadside parking will cause traffic problems and create a safety hazard to road users.
- Vehicles entering and exiting the site will be entering the main very busy road on a bend.
- The number of parking spaces proposed is not enough (14 spaces for 15 apartments) Residents will use the park car park as an overflow. This is already too small with users frequently parking on the pavements.

- Most homes now have two cars. Where will the remainder park, it is already difficult to access the lane, any additional parking in the access lane will make is impassible.
- An already dangerous situation exists with access via the lane to the houses and the top of Lanelay Road.
- Increased vehicles accessing the site will be dangerous for pedestrians.
- The infrastructure of Talbot Green town is already pushed to the limits with massive traffic jams and no parking.
- Cars currently park along the side of the proposed access lane which is to be stopped resulting in the loss of 4 parking spaces. Existing residences do not have sufficient parking at the rear of the properties. More vehicles will be forced to park on Lanelay Road.
- Roadside parking will narrow the road available for passing traffic and increase the safety hazards to all users.
- The entrance to the car park will pose a safety hazard due to three-way traffic on a single track leading to vehicles potentially having to reverse onto Lanelay Road.
- The access road is too narrow for service vehicles. Service and delivery vehicles must therefore stop on the main road which will create traffic problems adjacent to a school and on a corner.
- The requirement for a 70m visibility splay will reduce visibility considerably. This splay is calculated on a 30mph speed limit which is commonly exceeded.
- In the recent past traffic calming were installed and subsequently removed as they were not working.
- There is a bus stop less than half a mile from the site which contributes to the significant volume of larger vehicles using the road.
- The parking provision is based on average car ownership amongst similar resident groups. However, there will be a variation in car ownership amongst these groups. The range of car ownership rather than the average should be considered.
- It has been suggested that the existing residents could use the new car park. This however, ignores how a car park is used, with staggered arrival and departure times and use by visitors and proposed residents. This could create conflict.
- How will the builders feed the site? Where will materials be stored and where will all the trades people park while construction takes place?
- The view for vehicles and pedestrians emerging onto Lanelay Road will be restricted by the massive building.
- The proposed access to the rear car park is directly opposite our garage. This must be kept clear at all times;
- On exiting the car park, the visual splay to the left will be restricted by the proposed boundary fence. The lane is steeply sloping above this point and

users of the lane will have difficulty stopping due to the steep gradient, making a dangerous and hazardous access.

- Where will the cars entering have to wait for gates to open? Cars waiting on the lane will cause pollution, noise and block the lane leading to overspill onto the main road, causing obstruction and hazards to pedestrians and vehicles.
- Refuse collection and deliveries will need to be off the main road as the side road and entrance are not large enough and lacks a turning circle.
- The access to the parking court from the existing lane is a major concern, The lane adjacent to the entrance is on an incline of between 23-24%. It is not possible for vehicles to stop in icy, frosty or snowy conditions.

#### Policy

- The application is contrary to the following policies:  
AW5.1.a and c. and AW6.2 in that it would have an unacceptable affect on the visual amenity of the immediate area by virtue of the scale of the building, not being in keeping with the surrounding and would have a significant impact on the amenity of neighbouring occupiers.
- Section 4.4.3 of the LDP states "*the emphasis should be on well designed street scene rather than individual buildings*". Some of the terraced properties in Lanelay Road are built using Vale of Glamorgan Stone. The proposed development would be totally out of character to this.
- Section 5.42 "*It is important in the interests of good design and to safeguard the character of an area that (extensions) are well designed in relation to the general street scene*". RCT planning have overturned a new front wall and side fence at a nearby house for failing to be in keeping with the character of other properties in the street scene. Why is a proposal of this magnitude being considered when a front wall was rejected.
- The removal of 4 parking spaces in contrary to policy NSA12
- AW5 "Development proposals will be supported where the development would have safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestions." There are no traffic calming measure or pedestrian crossings along Lanelay Road making it extremely difficult for pedestrians to cross to access the school, park community centre etc.

#### Validation

- The plans are not to scale and are misleading. The application contains inaccuracies in vacancy, window colour and slate. This may seem minor but the row of cottages next to the site was constructed using Glamorgan stone and are recognised as the best example in the area.

#### Other

- The proposal will cause devaluations of existing properties.



- The extra burden on the sewer running down Lanelay Road will cause too much volume for the system to cope. Blockages have been experienced previously.
- The gas main that runs down the road is shown as low pressure. Placing an additional 15 flats would impact on surrounding properties.
- Concerns regarding proximity to the highway, especially in regard to where refuse bins will be placed.
- Lights from the parking area and from the flats will create light pollution.
- Concerns are expressed in relation to anti-social behaviour on the site and surrounding area with youths gathering.
- The proposed apartment block will overlook the school's playground and field, generating a cause for concern in relation to potential predatory activity.
- The site has been purchased without planning. It seems that they (the developer) feel the granting of planning permission is a foregone conclusion

## **CONSULTATION**

Transportation – raise no objections to the proposed development subject to conditions.

Flood Risk Management – raise no objection to the proposed development subject to conditions..

Public Health & Protection – raise no objections subject to conditions with regard to demolition, hours of operation, noise, dust and waste

Housing Strategy - raise no objections. The unit mix and tenure proposals are in accord with the Local Housing Market Assessment 2017/28 and as such satisfies Policy SSA12 of the adopted Local Development Plan.

Natural Resources Wales - raise no objections subject to conditions relating to the submission of a site investigation report.

Dwr Cymru/Welsh Water – raise no objections to the proposed development subject to conditions.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objections to the proposed development and advise in respect of the location of their apparatus in the vicinity of the site and on safe working practices to be adopted when working in close proximity to it.

South Wales Fire & Rescue Service – no response received.

Waste Services – no response received to date.

South Wales Police – raise no objections to the proposed development and advise in detail in respect of ensuring site security for residents and visitors through the application of secured by design and welsh housing quality standards being incorporated into any development to be approved.

RCT Ecologist – The ecology report by Hawkeshead is an appropriate and thorough assessment. Bat potential is identified as low and doesn't recommend any further survey work. Section 8 of the report recommends a number of conditions relating to sensitive clearance, bird and bat mitigation, and lighting which should be taken forward.

## **POLICY CONTEXT**

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

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

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

**Policy CS4** – Sets the requirement for the provision of new housing within the local development plan lifespan and in accordance with policy AW1.

**Policy CS5** – sets a target for the provision of affordable housing across the lifespan of the local development plan

**Policy AW1** – sets out the means by which new housing will be delivered through the development plan

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

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

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

**Policy AW8** - seeks to preserve the Borough's distinctive natural heritage by protecting it from inappropriate development.

**Policy AW11** – sets criteria for the consideration of proposals for alternative uses for retail premises within defined retail areas

**Policy SSA3** – sets criteria for the consideration of residential and commercial proposals in the principal town of Llantrisant/Talbot Green.

**Policy SSA11** – requires a housing density of 35 dwellings per hectare in the southern strategy area unless mitigating circumstances dictate otherwise.

**Policy SSA12** – requires the provision of 20% affordable housing on sites of 5 units or more.

**Policy SSA13** – permits residential development within settlement limits subject to specific criteria.

The following Supplementary Planning Guidance documents are also applicable,-

- Design & Placemaking
- Design in Town Centres
- Affordable Housing
- Planning Obligations
- Access Circulation & Parking
- Development of Flats
- Nature Conservation

### **National Guidance**

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

Planning Policy Wales (Edition 9 November 2016) Chapter 2 (Local Development Plans); Chapter 3 (Making and Enforcing Planning Decisions); Chapter 4 (Planning for Sustainability); Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- Manual for Streets

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

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

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

### **Main Issues:**

The application seeks full planning permission for the development of 15 flats. The key considerations with regard to the determination of this application are: the principle of development; impact on the character and appearance of the

surrounding area; impact on the residential amenities of neighbouring properties and highway safety.

### **Principle of Development**

The site is within the settlement limits of an established residential area, of Talbot Green, as defined by the proposals map of the Rhondda Cynon Taf Local Development Plan and is not allocated for any specific use. Although currently vacant, the site was previously used for the sale of vehicles, and as such is considered to be previously developed or brownfield land. In such circumstances, residential development would be considered acceptable, subject to the proposal being able to demonstrate compliance with the planning policies that would affect the proposed development.

One of the key requirements of policy is that the site should deliver 20% affordable housing. The details submitted as part of the application specify that all of the units would be retained as a social rented tenure operated and maintained by a Registered Social Landlord. The proposal would also achieve in excess of 35 dwellings per hectare. The application is therefore compliant with the requirements of policies SSA11 and SSA12 of the Rhondda Cynon Taf Local Development Plan.

The site is located approximately 360 metres from the retail areas of Talbot Green and the main bus station. The site is therefore considered to be sustainably located and compliant with the relevant criteria of policies AW2 and AW5.

In conclusion, on this planning policy and principle of development issue, it is considered that the proposed development is compliant with Local Development Plan policies CS2, CS4, CS5, AW1, AW2, AW5, SSA3, SSA11, SSA12 and SSA13 inasmuch as the issues outlined above relate to those policies and is considered policy compliant against these tests and the broader requirements of Planning Policy Wales.

### **Character and Appearance**

There has been a considerable amount of concern expressed by local residents regarding the size, scale, design and density of development. Objectors are of the opinion that the development represents overdevelopment that would have a detrimental impact on the character and appearance of the area.

The position of the application site on an outside bend of Lanelay Road makes it highly visible in the overall street scene. The plans submitted detail the development of an I shaped, three storey building in the southern part of the site positioned between numbers 30 and 40 Lanelay Road. In comparison to the previous use as a vehicles sales premise and now vacant site the development proposed would inevitably have an impact on the character and appearance of the street scene. As part of the pre-application discussions, Officers raised concerns with regards to the mass and height of the building, relative to the two storey dwellings either side. These concerns were echoed by residents as part of the formal Pre-Application Consultation process. In response the Design and Access statement advises that the design has been modified to lower the overall ridge height by 1.56m.

Planning Policy Wales and TAN12 indicate that the visual appearance of a proposed development, its scale and its relationship to its surroundings are material planning considerations and that local planning authorities should not accept design which is inappropriate to its context, or fails to enhance the character, quality and function of an area. In this case when considered in isolation the design of the building is considered acceptable. Context though also has to be considered.

The development, if approved, would form a highly prominent feature in the overall street scene, notably taller than the traditionally proportioned, two storey terraced dwellings within visual range of the site. Whilst resident's concerns regarding mass, size and scale of the proposal relative to the existing traditional terraces either side are acknowledged, in this instance it is considered that the position of the building following the established building line of the terraces either side; its recessed position off the boundaries; provision of landscaping between the front elevation and the highway; split level design, which responds to the fall of the highway from north-east to south-west; gabled features; pitched roof form and mix of material would all contribute to offsetting the visual mass and bulk of the building. Whilst specific concerns have been raised with regard to the proposed dormer windows on the front elevation, and the use of front facing gables these have been included in response to the reduction in the overall ridge height of the building and an attempt to reduce the impact on the dwellings either side.

Whilst the density of development would be higher than the surrounding residential area, being mindful of the sites edge of town centre position where density of development can vary significantly, it is considered that the proposal maximises and makes efficient use of the land. Although larger in both mass and scale than anything in the immediate vicinity, it is considered that the design features referred to above would create a modern feature in the street scene that would not be so incongruous or detrimental to the overall character, appearance and townscape of the area to warrant refusal of the application on such grounds. As such, the application is considered compliant with the requirements of policies AW5, AW6 and SS13 of the Rhondda Cynon Taf Local Development Plan.

### **Residential amenity**

In dealing with the issue of amenity policy AW5 of the Local Development Plan requires that the scale, form and design of the development should have no significant impact on the amenity of neighbouring occupiers. Clearly in this case the scale of the proposed development would have an impact on the amenities of existing occupiers.

As specified above, the front elevation of the building has been designed to follow the building line established by the terraced properties either side as such the principle outlook from the development would be over Lanelay Road to the south-east and the parking forecourt to the rear of the building. The plans submitted indicate that a small number of opening would be provided in the side elevations serving hallways, kitchens or acting as secondary openings for living rooms. A 2.1m high close boarded fence would be provided along parts of the side and along the full rear boundary of the site. Both 30 and 40 Lanelay Road have existing openings in

their side elevations which serve a variety of rooms including kitchens, bedrooms and a hobby room, with concerns raised by residents with regards to the potential for increased overlooking and loss of privacy.

Based on the plans submitted it has been determined that a distance of approximately 10m and 6m would be maintained between the development and numbers 30 and 40 Lanelay Road respectively. Given its scale, position and proximity the development would result in a reduced outlook from existing side windows. However, such a situation is not uncommon in a terraced or street arrangement. Being mindful that the development would not overlook windows in the principle front and rear elevations and that the windows in the side elevation of the proposed building would serve non habitable spaces or rooms with an alternative sources of air and light, it is considered that any harmful, actual or perceived overlooking could be acceptably mitigated by a condition to secure obscure glazing and fixed opening windows at first and second floor level. Given the parallel position of the existing and proposed buildings, any overlooking of rear gardens would be mutual in effect although such an impact would be lessened by the provision of the boundary fence proposed.

A shadow analysis of the proposal has been provided by the applicants and the objectors. Given the position and scale of the building in association with the orientation of the site, the development would generate increased overshadowing to the rear garden and side elevation of number 30 Lanelay Road during the afternoons. Whilst this could erode the amenity currently associated with the property, being mindful of the distances maintained between the development and the adjacent dwelling, the position of the proposed building parallel with the side elevation of number 30 and its depth, which would be no greater than that of number 30, it is considered that the level of overshadowing generated would not be so harmful to warrant refusal of the application on such grounds.

As part of the public consultation, concerns have been raised regarding the noise, disruption and pollution generated by vehicles waiting to enter the parking forecourt to the rear of the building. No gates limiting vehicular access to the site are shown on the proposed site layout plan. Being mindful of the existing and current levels of noise, light and disruption generated by the use of Lanelay Road in association with the sites edge of town centre location, it is considered that the relative increase in disruption generated by the proposed use would not be significantly detrimental to the residential amenity of those living closest to the site. Any noise generated by tenants of the resulting building could be adequately controlled by the Landlord and is beyond the control of planning.

In terms of the occupiers of the units, it has been confirmed by the agent that all flats are Welsh Government Design Quality Requirement compliant with sufficient internal space and access to natural light and ventilation. The plans submitted indicate that an area to the rear of the building would be retained for private amenity purposes, with cycle storage and an enclosed refuse area provided adjacent to the parking area. The proposal is therefore considered compliant with the requirements of the Council's Supplementary Planning Guidance for flat development.

Having regard to the above, although the development would change the outlook from existing windows in the side elevations of the properties either side of the site, it is considered that the level of overlooking, loss of privacy, overshadowing and loss of light generated would not be significantly detrimental and is acceptable in planning terms. The application is therefore considered compliant with the relevant criteria of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

Access, highway safety and parking provision is a further concern for local residents. The plans submitted indicate that the primary means of access to the proposed apartments for pedestrians would be via steps and disabled ramp from Lanelay Road. Vehicular access to a rear parking court would be via the existing adopted lane which runs along the eastern boundary of the site and an existing gateway in the eastern boundary.

Following consultation the Highways and Transportation section have not raised any objection to the proposed development subject to conditions. In arriving at this conclusion highways officers have given careful consideration to the key issues that affect this proposal including the transport statement submitted in support of the application along with proper consideration of the proposal with regard to accident analysis; access requirements; visibility from existing junctions; circulation; parking; proximity to local amenities and public transport and cycle parking. Whilst in their conclusions concern is expressed with regard to the width of the highway to the east of the site and the proposed parking provision not being in accordance with Council's Supplementary Planning Guidance, they remain mindful that the proposal is for social housing where car ownership rates are historically lower coupled with the sites highly sustainable location and as a result have recommended conditions be imposed to overcome concerns with regards to visibility, access and onsite parking.

Objectors consider that the level of parking proposed would be insufficient to service the development given the existing parking pressure in the vicinity and would result in the loss of existing provision; that deliveries to the site would stop on the double yellow lines along Lanelay Road and that the visibility leading to the main road from the access is limited. Whilst the existing and defined residents parking bays along the flank side of No. 30 Lanelay Road would be retained, residents do currently park on the lane (which provides access to the rear of numbers 1-30 and 40-48 to the side of the development, opposite the existing dedicated parking bay. The increased movements associated with the development, in conjunction with the limited width of the highway would result in the loss of these spaces. As part of the Design and Access Statement it has been sited that car ownership among social rented tenants is lower than average, it has therefore been proposed that existing residents could make use of vacant spaces within the development to compensate. Being mindful that the lane is Council adopted and is therefore a public highway, there is no obligation on the developer to retain the existing on street parking arrangements.

With regards to deliveries, there would be sufficient space within the site for all calling service and delivery vehicles. Vehicles stopping or parking on the double yellow lines would be a violation of the Highway Code and could result in penalty charges being imposed.

As part of their consultation response the Highways and Transportation Officer has confirmed, that the existing lane currently lacks sufficient width to allow two vehicles to pass; the junction is formed as a substandard vehicle crossover; and that visibility to the right is impeded by the boundary wall, railings and street lighting column. However, a number of conditions have been recommended to suggested to improve all of these issues. All of the alterations required by the conditions can be accommodated within land owned or controlled by the Applicant and/ or the Council.

Being mindful of the proximity of bus services and local shops, it is considered that the future residents would not be dependent on travelling by car. Subject to conditions recommended by the Highways and Transportation Engineers the proposal is considered acceptable in highway safety terms and compliant with the relevant criteria of policies AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Considerations**

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

### **Ecology**

An Ecological survey of the site has been submitted in support of the application. Following consultation, the Council's Ecologist has raised no objections to the proposal noting that it is a appropriate and thorough assessment identifying that the site has low bat potential and no further survey work is required. The application is therefore considered compliant with the requirements of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Public Health and Protection**

Following consultation with the Council's Public Health and Protection Section, no objections have been raised to the proposal. However, a number of conditions/ informative notes relating to the potential disturbance resulting from construction traffic and general activities on site during the course of the construction have been recommended. Whilst it is inevitable that any development of the site would lead to noise and disturbance to adjacent properties during construction, it is considered that matters such as demolition, noise, dust, disposal of waste and lighting can be more efficiently controlled by other legislation with an appropriate informative being added to any permission notifying the applicant/ developer of the need to comply with legislation.

### **Affordable Housing**

Policy SSA12 seeks the provision of 20% affordable housing on residential developments of five units or more with the subsequent provision secured by a Section 106 Agreement. In this instance the application proposes the development of 15 units with all dwellings being of Social Rented tenure provided by a Registered Social Landlord.



## **Drainage**

Despite the concerns of residents neither Dwr Cymru/Welsh Water nor the Council's own drainage engineers have objected to the proposed development and in the absence of any substantive evidence to the contrary this claim cannot form any basis for a refusal of the planning application.

## **Validation**

Members are advised that there is now sufficient detail in the application for it to be valid and for a decision to be made in respect of the application. Whilst it is appreciated that there were initial discrepancies in the description of certain materials and window finishes these have now been rectified and could be better covered by condition if Members are of a mind to support the application. Dimensions of the proposed building have also been added to the proposed plans.

Concerns expressed with regard to the impact of the proposals on property values are not material planning considerations and can be given no weight in the decision making process. Similarly, planning cannot and does not distinguish between tenures in deciding whether or not a development is acceptable in planning terms. Whether or not future residents would be vetted in terms of their suitability for the area or otherwise is a matter for the management of the building and is not a planning issue

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85/sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £73,405.31. However, social housing relief may be claimed on the social housing element of the development (which in this case is indicated to be the whole development).

## **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.

In this instance the section 106 requirements in respect of the development would be:

- The provision of play areas and public open space financial contribution in compliance with the Council's Supplementary Planning Guidance.
- An agreement to maintain the proposed development as social housing in perpetuity.

## **Conclusion**

Based on the above, it is considered that the development proposed would not have a significantly detrimental impact on the character and appearance of the area, the residential amenity of those living closest to the site or the highway safety and free flow of traffic in the area. The application is therefore considered compliant with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and subject to the conditions and the completion of a Section 106 agreement is recommended for approval subject to conditions.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

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):

(04) 100; (04) 101 C; (04) 301 C; (04) 303 C; (04) 302 C; (04) 304 C; (04) 201 D (03) 202 E; (04) 203 D; (04) 401 C; (04) 501 D; (04) 502 C; (04) 503 and documents:

1. Design and Access Statement;
1. Pre Application Consultation Report;
2. Transport Statement; and
3. Preliminary Ecological Appraisal and bat survey

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. 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.

4. Prior to installation samples of all the external materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the samples so approved and be maintained as such thereafter

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

5. Notwithstanding the submitted plans, development shall not commence until details for the reinstatement of the footway along the site frontage with a full upstand kerbline has been submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plans prior to beneficial occupation of the units unless otherwise agreed in writing by the Local Planning Authority.

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

6. Notwithstanding the submitted plans, development shall not commence until details of a footway adjacent to the flank wall of the proposed building to link Lanelay Road with the rear parking court and the setting back of the site boundary at Lanelay Road to provide unobstructed 2.4m by 40m vision splays has been submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plans and prior to beneficial occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

7. Notwithstanding the submitted plans, development shall not commence until details of a parking court providing a minimum of 15 car parking spaces, cycle parking and bin storage together with the widening of the access from the adjacent lane to 5m has been submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plan prior to beneficial occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide adequate parking and 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.

8. No HGV movements shall take place to and from the site between the hours of 07:30 – 09:00 and 15:00 – 18:00 weekdays during the course of site preparation and construction works.

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

9. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to the 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 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

11. The first and second floor windows on the side elevations facing 30 and 40 Lanelay Road as shown on drawing no (04) 302C and (04)304C shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason: In the interests of the residential amenity of those living closest to the site, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to commencement of development approved by this planning permission, 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 site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes of these components require the express consent to of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: It is considered that the controlled waters at this site are sensitive and contamination is strongly suspected at the site due to unknown/known historic landuse, having regard to policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to commencement of 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 and 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.

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, having regard to policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. 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 water following remediation of the site, having regard to policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. 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, an amendment to the remediation strategy detail how this unsuspected contamination shall be dealt with.

Reason: Given the size and 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.

16. No development shall commence on site, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- a desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The Desk-top Study should contain a Conceptual site model. A copy of the Desk-top Study shall be submitted to and approved by the Local Planning Authority without delay on completion.
- Should the Desk-top study, as noted above, require a site

investigation to be carried out it shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a Desk-top Study has been completed satisfying the requirements of paragraph a) above.

- a written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. No building within development hereby permitted shall be occupied and/or operated until the measures approved in the scheme (*referred to in condition 16*) have been implemented. A suitable validation report of the proposed scheme is to be submitted and approved by the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted for the written approval of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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