



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD PWYLLGOR

C Hanagan
Cyfarwyddwr y Gwasanaethau Llywodraethol a Chyfathrebu
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf
Y Pafiliynau
Parc Hen Lofa'r Cambrian
Cwm Clydach, CF40 2XX

Dolen gyswllt: **Hannah Williams - Uned Busnes y Cyngor - Gwasanaethau Llywodraethol (Ffôn: 01443 424062)**

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal **AR Y SAFLE** ar **DYDD MAWRTH, 2AIL EBRILL, 2019** yn unol â'r manylion isod.

AGENDA

DATGANIADAU O FUDDIANNAU – Derbyn datganiadau o fuddiannau personol gan Gyngorwyr, 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.

<u>AMSER</u>	<u>LLEOLIAD</u>	<u>PWRPAS</u>
<u>10.00 am</u>	Garth House, Rhodfa Leon, Ffynnon Taf, Caerdydd, CF15 7RG	Cais: 18/1385 - Tynnu Garth House i lawr ac adeiladu 23 eiddo preswyl fforddiadwy a gwaith cysylltiedig (derbyniwyd y cynlluniau diwygiedig a'r disgrifiad 25/02/19), Garth House, Rhodfa Leon, Ffynnon Taf, Caerdydd.

<u>AMSER</u>	<u>LLEOLIAD</u>	<u>PWRPAS</u>
<u>10.45 am</u>	Tir oddi ar Heol Pentrebach, Pontypridd, CF37 4BW	Cais: 18/1376 - Ailgodi Unedau Diwydiannol yn dilyn difrod tân, tir oddi ar Heol Pentrebach, Pontypridd.

Cyfarwyddwr y Gwasanaethau Llywodraethol a Chyfathrebu

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 Cople)

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, Y Cynghorydd R Yeo

Cyfarwyddwr y Gwasanaethau Llywodraethol a Chyfathrebu
Cyfarwyddwr Materion Ffyniant a Datblygu
Rheolwr Gwasanaethau Datblygu
Rheolwr Gwasanaethau Datblygu
Rheolwr Datblygu Priffyrdd a Mabwysiadu Priffyrdd

Safle 1

Cynghorydd Lleol yw'n aelod o'r pwyllgor – Y Cynghorydd J Bonetto

Safle 2

Cynghorydd Lleol nad yw'n aelod o'r pwyllgor –Y Cynghorydd S Powderhill

PLANNING & DEVELOPMENT COMMITTEE

21 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1385/10
(MF)

APPLICANT: M&J Cosgrove Construction Ltd & Hafod Housing Association

DEVELOPMENT: Demolition of existing Garth House and construction of 23 no. affordable residential dwellings and associated works (amended plans and description received 25/02/19).

LOCATION: GARTH HOUSE, LEON AVENUE, TAFFS WELL, CARDIFF, CF15 7RG

DATE REGISTERED: 25/02/2019

ELECTORAL DIVISION: Ffynon Taf

RECOMMENDATION: APPROVE, SUBJECT TO SECTION 106 AGREEMENT.

REASONS

The redevelopment of the site for residential purposes is acceptable in principle. Furthermore, it is considered the site is capable of accommodating 23 no. residential units as proposed without resulting in a significant impact upon the character and appearance of the site and the surrounding area, or upon highway safety in the vicinity of the site.

It is acknowledged the proposed development will inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding residents, however it is not considered any impact would be so detrimental as to warrant refusal of the application. Therefore, on balance, the proposal is also considered acceptable in this regard.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The application is reported to the Planning and Development Committee for final determination as the scheme proposes five or more dwellings, and because eleven letters of objection have been received following the consultation process.

APPLICATION DETAILS

Full planning permission is sought for the demolition of the existing office building, Garth House, and the construction of 23 no. residential units in its place, essentially forming a new residential cul-de-sac within the village. The development would comprise the following:

- 2 no. 2 bedroom disabled access bungalows;
- 3 no. 2 bedroom dwellings;
- 12 no. 1 bedroom apartments;
- 4 no. 2 bedroom apartments; and
- 2 no. 1 bedroom disabled access apartments.

The proposed site layout indicates that three storey apartment blocks would be located along the eastern (front) and western (rear) boundaries of the site. The western block would accommodate 12 no. 1 bedroom apartments across the three floors, with the eastern block accommodating 2 no. 1 bedroom disabled access apartments at ground floor level and 4 no. 2 bedroom apartments above. Associated off-street parking and bin storage areas would be located to the front of each block, with small areas of amenity space around.

A row of 3 no. two storey, terraced dwellings would be located along the northern boundary of the site, each fronting the footway and having enclosed garden areas to the rear. Associated off-street parking would be sited at either end of the terraced row.

2 no. semi-detached, disabled access bungalows would be located along the southern boundary of the site, each fronting the footway and having enclosed garden areas to the rear. Associated off-street parking would be sited at either side. Members are advised that the scheme originally proposed a row of 3 no. two-storey, terraced dwellings at this location, however concerns were raised in respect of the potential impact two storey dwellings at this location would have upon the occupiers of the adjacent properties along Alfred's Terrace, and consequently the applicant altered the scheme and amended plans were received on 25/02/19 (replacing the two storey dwellings with the pair of semi-detached, disabled access bungalows and reducing the total number of units proposed from 24 no. to 23 no.).

With respect to external appearance, whilst 4 no. differing buildings types are proposed, each of the buildings would be finished in the same external materials. This would comprise a mix of grey and buff facing brickwork with natural stone features throughout, blue/grey roof tiles, grey composite doors, grey rainwater goods and white uPVC fenestration.

It is noted that each of the new units would be occupied as affordable housing under the management of a housing association. As such each of the properties have been designed to meet the relevant Welsh Government Development Quality Requirements (DQR).

Both vehicular and pedestrian access to the site would be gained via the existing site entrance off Leon Avenue. The access would be upgraded however including its widening and the creation of an un-controlled pedestrian crossing. It is also noted that the existing boundary wall from the site entrance to the junction of Leon Avenue with Cardiff Road (south-west) would be removed to allow for the provision of a 2m wide footway along this boundary.

SITE APPRAISAL

The application site is a roughly rectangular parcel of land amounting to approximately 0.3ha. It is situated along the northern side of Cardiff Road, Taffs Well and is currently occupied by a large, detached, two-storey building that was last in operation as Class B1 offices, but is now vacant. The site is level throughout and enclosed on all sides by a mix of boundary walls and fencing. The existing building is sited centrally within the plot having associated parking areas to the front, rear and at both sides. A number of associated outbuildings are located throughout. The site fronts Cardiff Road, is bounded by a train line to the rear, and by residential streets at either side. It is also noted that a chapel building is located directly adjacent to the south-eastern corner of the plot. Both vehicular and pedestrian access is gained off Leon Avenue along the northern boundary of the plot.

The surrounding area is generally residential in nature comprising a mix of residential dwellings of varying design and scale. The immediate neighbouring dwellings to the south of the site along Alfred's Terrace are each Grade II Listed Buildings, listed for their unusually well preserved example of a terrace of workers cottages. It is also noted that a number of commercial uses are located nearby along Cardiff Road, with the villages retail centre being located directly to the north of the site.

PLANNING HISTORY

Previous planning applications submitted at the site:

05/2302	Reconstruction and extension of former warehouse and creation of new first floor extension for conference room	Refused 23/06/06
88/0027	Alterations and extension for extra office space	Granted 18/04/88
83/0791	Retention of temporary portable office	Granted 07/09/83
83/0787	Temporary siting of hydraulic ramp	Refused 27/01/83

83/0673	Pitched roof to existing bay windows	Granted 07/06/83
82/0930	Hydraulic ramp	Refused 13/10/82
82/0602	Retention of temporary office accommodation	Granted 28/07/82
82/0460	Temporary accommodation	Granted 28/07/82
79/1001	Temporary accommodation	Granted 18/09/79
78/1660	Use of land as builders yard	Unknown
74/0727	Lawful use certificate	Refused 05/11/74
74/0220	Residential development	Granted 06/11/74

PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices and a press notice. Ten letters of objection have been received from occupiers of neighbouring properties and one from Taffs Well Community Council, making the following comments (summarised):

- The proposed development would not be in-keeping with the character of the surrounding area and would lead to overdevelopment of the plot.
- Garth House is a local landmark and should not be demolished.
- Insufficient off-street parking provision would be provided. This will lead to vehicles being parked on the adjacent highways which are already congested due to existing residents vehicles and users of the nearby train station.
- The existing access from Leon Avenue on to Cardiff Road is insufficient to cater for the current number of vehicles using it. The additional residential units at the site would exacerbate this issue.
- Construction traffic associated with the proposed development works would inconvenience and disturb surrounding residents.
- The proposed residential units would overlook the adjacent, existing properties and their amenity space.

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- The proposed residential units would result in noise, disturbance and air pollution to existing surrounding residents.
- The development should comprise a mix of both private and social properties, not be entirely made up of social housing.
- The local schools may not be able to cope with the potential number of extra pupils.
- There is already a considerable number of flats in the village, many of which are currently empty. As such there is no need for further flats at this site.
- Occupiers of social housing cause a number of anti-social behaviour and crime issues. More social housing in the village would exacerbate existing problems.
- The development would result in the value of existing properties in locality being reduced.
- The proposed buildings would obscure views from the existing surrounding properties.

A letter has also been received from David Melding AM (Member for South Wales Central) stating that he has received concerns from a local resident in respect of the proposed development and the potential impact the three-storey buildings would have upon their current levels of amenity. As such the AM requests this issue be taken into consideration during the determination of the application.

CONSULTATION

Transportation Section – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection, subject to conditions.

Housing Strategy – no objection.

Education – no objection and no financial contribution required.

Natural Resources Wales – no objection.

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

Network Rail – no objection.

Wales and West Utilities – no objection, subject to conditions.

Western Power Distribution – no objection.

Welsh Government Highways – no objection.

South Wales Police – no objection, subject to conditions.

South Wales Fire and Rescue Service – no objections, subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the settlement boundary for Taffs Well, but is not allocated for any specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy CS5 – outlines the extent of the affordable housing requirement that needs to be delivered through the plan period.

Policy AW1 – sets out the criteria for new housing proposals.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy (CIL).

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

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

Policy AW7 – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

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

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy AW11 – stipulates that the retention of employment sites for employment purposes must be fully explored without success by way of appropriate marketing, at reasonable market rates, for a minimum of 12 months prior to it being considered for an alternative use.

Policy SSA11 – requires housing developments in the Southern Strategy Area to have a net residential density of at least 35 no. dwellings per hectare, subject to certain exceptions.

Policy SSA12 – seeks a provision of 20% affordable housing on sites of least 5 no. units or more within the Southern Strategy Area.

Policy SSA13 – identifies the criteria for assessment of development proposals within settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking;
- The Historic Built Environment;
- A Design Guide for Householder Development;
- Affordable Housing;
- Nature Conservation;
- Planning Obligations;
- Access, Circulation and Parking;
- Development of flats.

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.

Welsh Government published Planning Policy Wales (Edition 10) on 5th December 2018. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act (2015) into town and country planning and sets out the Welsh Government's policies on issues relevant to the determination of planning applications.

It is considered that this proposal meets the seven goals set out within the Well-Being of Future Generations (Wales) Act and the proposed development is consistent with the key principles set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant national 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 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 24: The Historic Environment.

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

Full planning permission is sought for the demolition of the existing office building, Garth House, and the construction of 23 no. residential units in its place, each to be occupied as affordable housing.

The application site is located within the defined settlement boundary of Taffs Well and is unallocated. As such the proposal meets the relevant criteria set out in Policy AW1 which aims to support residential development on unallocated land within settlement boundaries. Additionally, the site is located near the Retail Centre of the village and a number of public transport links, being sited along the main bus route through the village and in close proximity of Taffs Well railway station. As such it is considered the site is located within a sustainable location and therefore complies with the primary objectives of Policy AW2 which aims to support sustainable development. Furthermore, the proposed development would make use of a vacant, former employment, Brownfield site which is promoted by Policy CS2.

It is also noted that the RCT Joint Housing Land Availability Study (2018) calculates the current supply to be 1.4 years, a deficit of 3.6 years against the minimum required by national policy. As such the proposed development would go some way to increasing the Authority's housing land supply. Additionally, the proposal is compliant with Policy SSA11 in that it proposes development which exceeds 35 no. dwellings per hectare (89 no.), and Policy SSA12, entailing 100% affordable housing which the Council's Housing Strategy team have commented would provide a form of accommodation that is currently under provided in the immediate area, providing local people who live and want to remain in Taffs Well with greater variety in their housing options.

Finally, it is noted that as the site was last used for employment purposes, and in order to comply with Policy AW11, appropriate evidence demonstrating that the site has been marketed for employment use for a minimum of 12 months before alternative uses are considered must be provided. In this instance the applicant has provided evidence highlighting that the property has been marketed for office use since 13th December 2017, and is still being marketed at the time of writing. The information provided illustrates that there has been some interest in the site, but only 4 no. formal offers have been submitted, each from large, residential developers. It is therefore considered that the site is no longer required for employment purposes in the modern economy, and the relevant criterion set out in Policy AW11 have been satisfied.

Therefore, in light of the above, whilst the loss of the commercial/office building is regrettable, the principle of demolishing the existing building and developing a number of residential units in its place is considered acceptable, in principle, subject to compliance with the other relevant material considerations set out below.

Visual Impact

The scheme proposes the demolition of the attractive existing building and the construction of 23 no. new residential units in its place, which are sited directly adjacent to a row of Listed, terraced properties. As such the potential impact of the proposed development upon the character and appearance of the area is a key consideration in the determination of the application.

The proposed site layout indicates that three storey apartment blocks would be located along the eastern (front) and western (rear) boundaries of the site; a row of two-storey terraced dwellings would be located along the northern boundary; and a pair of semi-detached bungalows would be sited along the southern boundary; with access and parking areas in-between, essentially forming a new residential cul de sac.

It is considered the proposed site layout forms an appropriate design given the shape of the plot and the relationship it has with the adjacent neighbouring streets. As such the application site is considered to be of a scale capable of accommodating the number of buildings proposed without leading to overdevelopment of the plot, and further, the proposed layout will ensure the new street sits comfortably between Leon Avenue to the north and Alfred's Terrace to the south. Additionally, being level throughout, no significant engineering works would be required at the site ensuring the development would not result in overly prominent features from the highway. Consequently, whilst the loss of the existing building is regrettable, it is not considered the general redevelopment of plot and the layout proposed would have a significant impact upon the character and appearance of the site or that of the surrounding area.

With respect to the proposed buildings themselves, located along the main highway through the village, the construction of a block of three-storey apartments to the front of the site would inevitably form a highly visible feature in the street scene along Cardiff Road. However, the buildings would generally follow the building line of the street and it is noted that a number of the immediate neighbouring properties along Cardiff Road are three-storey in nature. Therefore, with use of appropriate finishing materials proposed, it is not considered the scale and design of buildings proposed would have a significant impact upon the existing character and appearance of the surrounding area. Additionally, sited within a cul-de-sac, out of view from Cardiff Road, it is not considered the remaining buildings throughout the proposed development would result in any adverse impact to the visual amenity of the surrounding area, and again, the use of appropriate external materials would ensure this is the case. Therefore, whilst the development will inevitably result in properties of a more modern design to that of the traditional terraced and semi-detached dwellings either side of the site, the scheme would be typical of many modern housing developments in the Borough, and is generally considered acceptable in respect of its potential visual impact.

With respect to the potential impact upon the historic and attractive character of the adjacent Listed properties along Alfred's Terrace, the site layout has been configured so single storey units of a similar footprint and lower height than that of the existing terrace properties would be sited along the boundary separating the proposed development with adjacent terrace row. It is considered this would ensure the

proposed development would not result in a dominating impact to the character of the existing properties in terms of scale. Further, it is considered the traditional designs/proportions of the adjacent terraced properties have been considered by the applicant during the design phase, with the use of external stone work throughout along with grey brick and roof tiles, arched, multi-pane windows, and traditional finishing details such as chimneys and chimney pots which will ensure the new properties incorporate an element of more traditional character, blending well with the existing, adjacent dwellings.

Consequently, whilst the loss of the existing building is regrettable and it is accepted the scheme will inevitably result in a degree of impact to the current character and appearance of the site and its immediate surroundings, it is considered that the proposed development would appear as an appropriate infill between to the two existing streets to the north and south and is consequently considered to be in accordance with the relevant planning policy in respect of its potential impact upon the visual amenity of the surrounding area.

Residential Amenity

Whilst it is acknowledged that any development at the site would inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding residents, it is considered that the site layout proposed will allow sufficient distance between the new properties and the existing to ensure that any potential impact would not be significant enough to warrant refusal of the application.

The plot is currently occupied by a single office unit. As such, whilst it is accepted a degree of noise/disturbance would have occurred as a result of its commercial use, the introduction of 23 no. residential units at the site will inevitably result in an intensification of use at the site. However, whilst intensive in respect of the number of units and the associated comings and goings and general noise and disturbance normally associated with residential use, the application site is located along one of the main highways through the village is bounded by a busy railway line to the rear, and is sited in close proximity of the local retail centre. As such it is considered a substantial degree of noise/disturbance already occurs in the locality which surrounding neighbours would be accustomed to, and it is not considered the relative increase in disruption generated by the proposed development would result in an unacceptable impact to the amenities of the existing surrounding residents in these terms.

With respect to the proposed buildings themselves and the potential impact they may have upon the existing neighbouring properties, the proposed site layout indicates that a minimum distance of 12m would be maintained between the rear elevations of the proposed two-storey dwellings along the northern boundary of the site and the southern side elevation of the adjacent property to the north, 1 Leon Avenue. Further, a minimum distance of 17m would be maintained between the northern side elevation of the proposed three-storey flat block along the eastern (rear) boundary of the site and southern rear elevations of the adjacent properties to the north, 2 – 5 Leon Avenue. It is therefore considered that no undue overlooking of the properties within Leon Avenue would occur, and sufficient distances would remain between the existing and proposed properties to ensure that any potential outbearing impact that

may occur would not be significant enough to warrant refusal of the application. Further, whilst it is accepted a degree of overshadowing would occur to the properties along Leon Avenue, it would affect a small area of the garden space along the rear boundaries during the early mornings only. As such this impact would again not be considered significant enough to warrant refusal of the application.

With respect to the potential impact upon the amenities of the occupiers of the properties to the south along Alfred's Terrace, as detailed above, the scheme originally proposed a row of 3 no. two storey, terraced dwellings along the southern boundary of the site, however it was considered that two storey dwellings at this location would result in direct overlooking of the existing properties, and with a separation distance of only 12m, this impact would be unacceptable. In light of these concerns the applicant submitted amended plans on 25/02/19 whereby the proposed two-storey dwellings were replaced with a pair of single storey, semi-detached, disabled access bungalows to reduce any potential impact in this respect. It is considered the introduction of single storey properties at this location will ensure that no direct overlooking of Alfred's Terrace would occur, especially given the fact that the existing site boundary wall here would remain following development. Further, given the minor scale and height of the proposed bungalows and the separation between them and the existing properties along Alfred's Terrace, it is not considered they would result in any undue overbearing impact.

Whilst it is accepted the three storey flat block to the rear of the site would result in having a degree of overbearing impact to the adjacent properties along Alfred's Terrace, with a minimum separation distance of approximately 19m between the two, it is not considered any potential impact in this respect would be significant enough to warrant refusal of the application.

It is also noted that as the proposed buildings would be sited to the north of the existing properties along Alfred's Terrace, no undue overshadowing would occur.

Finally, it is acknowledged the proposed residential units would be located in close proximity of the adjacent railway line, and therefore potential future occupiers may experience a degree of noise and disturbance. In this respect a noise assessment report has been submitted with the application that identifies that a sound monitoring and vibration survey was undertaken at the site and that subsequent detailed assessments of the suitability of the site, in accordance with the relevant British Standards, has also been undertaken. The report concluded that no significant sources of vibration affect the site and that the development would meet the requirements of the relevant British Standards in respect of noise, providing a number of sound proofing measures are introduced. The Council's Public Health and Protection Division have considered the noise assessment report and commented that it is an appropriate assessment and the conclusions are acceptable. As such no objections are raised but it is suggested a condition be attached to any consent ensuring the mitigation measures set out in the noise assessment report are implemented on site.

Therefore, in light of the above, whilst the concerns raised by the objectors in this respect are acknowledged and it is accepted a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by surrounding

residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. Therefore, on balance, the application is considered acceptable in this regard.

Highway Safety

The Council's Transportation Section raised no objections to the scheme following consultation, subject to a number of relevant conditions being added to any consent. Therefore, whilst it is noted that a number of concerns have been received from local residents in respect of highway safety, the scheme is considered acceptable in this regard.

In their assessment of the scheme the Transportation Section commented that access to the site will be achieved at its existing location which will be upgraded to provide a new priority junction off Leon Avenue, including the removal of the existing boundary wall abutting Leon Avenue to allow for a 2m wide footway between the development site and the Cardiff Road, and an un-controlled pedestrian crossing facility, which is acceptable. Further, the internal layout proposed has been derived from pre-application discussion with the applicant and as such, raises no cause for concern. Nevertheless a condition is suggested requiring full engineering design and detail of the proposed highway layout be submitted to and approved by the LPA prior to any works starting on site to ensure the adequacy of the proposed highway layout.

With respect to the adequacy of the vision splays from the site on to Leon Avenue and at the existing junction from Leon Avenue out on to Cardiff Road, the Transportation Section commented that both Leon Avenue and are subject to 30mph speed limits. Therefore, in accordance with TAN 18, the vision splay requirements at both junctions would be 2.4m x 40m.

With this in mind, the available vision splays at the site junction with Leon Avenue are 2.4m x 24m to the left and 2.4m x 16.5m to the right. Vision to the left is as far as the junction with the Cardiff Road. The shortfall in vision to the right gives cause for concern however the TRICS data submitted within the Transport Statement indicates that the proposed residential development has a lower trip rate than that of the existing commercial use. Therefore the shortfall in vision to the right at this junction does not warrant a highway objection. Furthermore, the available vision splays at the junction between the A4054 (Cardiff Road) and Leon Avenue are 2.4m x >40m to the left and 2.4m x 6m to the right. The shortfall in vision to the right gives cause for concern but when considering the TRICS data submitted within the Transport Statement, i.e. the proposed residential development has a lower trip rate than that of the existing commercial use, and the fact that there are no recorded accidents at the junction within the last 5 years, the shortfall in vision to the right at this junction does not warrant highway objection.

With respect to parking, the Transportation Section commented that off-street parking for the proposed development should be in compliance with the requirements set out in the Council's adopted SPG: Access, Circulation and Parking, i.e. 2 no. spaces for 1-2 bedroom dwellings and 3 no. spaces for 3+ bedroom dwellings, plus a requirement of 1 no. space per 5 no. dwellings for visitor parking. The proposed development consists of 14 no. 1 bedroom apartments, 4 no. 2

bedroom apartments and 5 no. 2 bedroom houses. As such, the proposed development has an SPG requirement of 46 no. spaces. The submitted information indicates that 27 no. spaces are to be provided, which results in a shortfall of 19 no. spaces, which gives cause for concern. However, when considering the social rented nature of the proposed development and the fact that there is a large proportion of 1 bedroom apartments, coupled with the development's sustainable location and that is in compliance with the sustainable transport hierarchy set out in PPW10, on balance, the proposed parking provision is considered acceptable in this instance.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of Cardiff Road and Leon Avenue by construction traffic, commenting that the vehicles associated with the development of the site will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with the construction. However, it is considered that this would occur over a limited period of time. Furthermore, should Members be minded to approve the application, a condition could be added to any consent reducing this impact by controlling the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and peak traffic times. It is noted however that the Transportation Section do not consider a condition of this nature necessary in this instance.

Consequently, in light of the above highway assessment, whilst the concerns raised by the objectors in this respect are acknowledged, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety and car parking provision in the vicinity of the site, subject to the conditions detailed below.

Public Health

The Council's Public Health and Protection Division commented that the site investigations information submitted with the application highlights that there is potential for radon gas to be present on site, but the report also details a number of recommendations that can be undertaken to ensure that there is no risk to human health. As such no objections have been raised but a condition is suggested requiring a method statement for the remediation of contamination associated with radon be submitted to and approved by the LPA prior to any works starting on site.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Ecology

The Council's Ecologist noted that the application site supports a number of mature trees and a large building which are to be removed, and consequently there may be a potential for protected species and nesting birds to be affected.

In light of these issues relevant ecology/arboricultural surveys have been submitted with the application which detail that no nesting birds are present on site but 2 no. Soprano Pipistrelles bats were found within the building. The report also details however that these types of bat are common in this area and were males using the building as a day roost, with no maternity roost present. Therefore the demolition of the building would unlikely impact upon the population of bats, but a European Protected Species Licence (EPSL) from Natural Resources Wales (NRW) would be required prior to any works starting on site. The report also suggests a number of mitigation measures should be implemented on site to ensure the loss of the trees and building has no lasting impact. The mitigation measures proposed are the erection of a bat box on site prior to any demolition works being undertaken and the demolition works being undertaken under an ecological watching brief.

The arboricultural report details that 4 no. mature trees would have to be removed in order for the proposed development to take place. It is detailed that all 4 no. trees are of low quality, and the noteworthy large Austrian Pine to the front of the site is showing significant signs of decline and has a limited future.

The Council's Ecologist has assessed the relevant reports and commented that they have been undertaken to appropriate standards and the conclusions are reasonable. As such no objections are raised but conditions are suggested to ensure the mitigation proposed is implemented on site.

It is also noted that no concerns were raised by Natural Resources Wales following assessment of the scheme.

Land Drainage and Flood Risk

No objections have been raised by the Council's Flood Risk Management (FRM) Section following consultation. It was noted during their assessment of the scheme that the applicant has not provided any site drainage details with the application and consequently it is difficult to assess the potential impact of the proposed development in respect of drainage/flood risk, however it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the LPA prior to any development works starting on site.

It is also noted that no objections were received from Dwr Cymru Welsh Water or Natural Resources Wales, subject to standard conditions and advice.

In light of the above advice, the development is considered acceptable in respect of site drainage, subject to the condition detailed below.

Education Provision

Following assessment of proposal, the Council's Education Section has commented that the potential number of children associated with the new properties could be accommodated within existing local schools. As such no concerns are raised or financial contributions in this respect necessary or requested.

Other Issues

It is noted that no objections were received from Network Rail, Wales and West Utilities, Western Power Distribution, Welsh Government Highways, South Wales Police, or South Wales Fire and Rescue Service, subject to standard conditions and advice.

Neighbour Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- It is acknowledged that concerns have been received from local residents with regard to the need for additional flats and social housing in the village, stating that there are a number of existing vacant units in the vicinity of the site and consequently additional flats/social residential units are not required in the village. Whilst the concerns that a development on the site could stand vacant are acknowledged, it is beyond the remit of planning to determine the level of need and to regulate or control potential competition. It has to be assumed that the developer would have carried out suitable and sufficient market research to identify a need within the region prior to going to the expense of formulating and submitting an application for planning permission. It is also noted that the Council's Housing Delivery team have confirmed that there is a need for additional affordable housing units within Taffs Well and that scheme would go some way to addressing that need.
- It is noted that objectors have commented that occupiers of social housing generally cause more anti-social behaviour and crime issues than those occupying private properties and that more social housing in the village would exacerbate existing problems. Whilst these comments are acknowledged, no evidence has been offered to substantiate this view and any present issues caused by the behaviour of existing local residents have no bearing on the behaviour of potential future occupiers. As such this issue cannot be taken in to consideration during the determination of this application.
- With regard to the issue raised by an objector in respect of the value of existing properties in the locality being reduced, this is not material planning consideration and cannot be taken into account during the determination of the application.
- With regard to the issue raised by an objector in respect of views from neighbouring properties being obscured, this is not material planning consideration and cannot be taken into account during the determination of the application.

Section 106 Contributions / Planning Obligations

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

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

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

Planning Policy Wales 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: Planning Obligations.

In this case the developer will be required to enter into a S.106 agreement with the Council to maintain the proposed development as social housing in perpetuity. It is considered that this requirement meets all of the above tests and is compliant with relevant legislation.

Community Infrastructure Levy 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 site lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development, however as the proposed development involves the demolition of the existing buildings, the CIL (including indexation) for this development is expected to be £0.

Conclusion

The redevelopment of the site for residential purposes is acceptable in principle. Furthermore, it is considered the site is capable of accommodating 23 no. residential units as proposed without resulting in a significant impact upon the character and appearance of the site and the surrounding area, or upon highway safety in the vicinity of the site.

It is acknowledged the proposed development will inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding

residents, however it is not considered any impact would be so detrimental as to warrant refusal of the application. Therefore, on balance, the proposal is also considered acceptable in this regard.

The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable, subject to the S.106 agreement set out above and the conditions detailed below.

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 plans ref:

- P-001
- P-100
- P-110 Rev. C
- P-111 Rev. C
- P-220 Rev. B
- P-221 Rev. A
- P-222 Rev. B
- P-223
- S.7688-DR-01

and documents received by the Local Planning Authority on 17/12/18, 19/12/18, 21/01/19, 24/01/19 and 26/02/19 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

3. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought in to beneficial occupation 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. No development works shall commence on site, including demolition and site clearance, until full details of the proposed precautionary and enhancement bat mitigation measures set out in the submitted Bat Survey and Ecology Assessment Report (MJ Cosgrove Ltd, November 2018) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development or site clearance shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development site die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby permitted shall not commence until a written method statement for the remediation of contamination associated with radon and the slight exceedance encountered in borehole WS03, affecting the site, has been submitted to and approved in writing by the Local Planning Authority. All requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person and no deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The residential units hereby approved shall not be occupied until the measures concerning radon and the exceedance have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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 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 to 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. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of Health and Safety and Environmental Amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout including sections, street lighting and surface-water drainage and un-controlled pedestrian crossings 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 of the Rhondda Cynon Taff Local Development Plan.

12. Notwithstanding the submitted plans, development shall not commence until details providing for the creation of a 2m wide footway on the development side of Leon Avenue between the A4054 Cardiff Road and the access to the proposed development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior of beneficial occupation of any dwelling.

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.

13. No development shall commence on site, 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 highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The parking areas indicated on submitted drawing no. "P-111 Rev C" shall be constructed in permanent materials and retained for the purpose of the parking of vehicles only.

Reason: To ensure that vehicles are parked off the highway, 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. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development

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PLANNING & DEVELOPMENT COMMITTEE

21 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1376/10
(EL)
APPLICANT: M and E Bin Hire
DEVELOPMENT: Reconstruction of Industrial Units following fire damage
LOCATION: LAND OFF PENTREBACH ROAD, PONTYPRIDD, CF37 4BW
DATE REGISTERED: 13/12/2018
ELECTORAL DIVISION: Treforest

RECOMMENDATION: APPROVED SUBJECT TO CONDITIONS:

REASONS

The proposal is in keeping with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the use of the site for commercial uses under Classes B1/B8 and B2 has been established by earlier consents and the building is acceptable in terms of scale, design; impact on residential amenity, highway safety and ecology.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the construction of a new industrial building on a parcel of land off Pentrebach Road, Pontypridd. The application has been submitted following the loss of the previous units on site, as a result of significant fire damage.

The building would appear rectangular in plan, measuring 12.5 metres in depth and 49.0 metres in length. It would have a shallow ridge roof construction extending to

7.6 metres at its highest point and 6.0 metres at its eaves. The building would be a modular frame construction, with both roof and elevations would be clad in colour coated aluminium profile panels. The building would be divided into 5 separate units (Units A-E) Units A, B and C would be Class B2 use with units D and E being B1/B8 uses. The division of uses within the proposed units has been laid out so as to correspond with the lawful use established by earlier planning permissions and the certificate of lawfulness approved at the site.

The proposed building would be located close to the south western boundary of the site, with space available to the front of the unit to provide access and car parking. Vehicular access to the site would be gained via the internal access road, which serves neighbouring industrial developments and connects with Pentrebach Road to the far north west.

SITE APPRAISAL

The application site consist of a parcel of land that extends to approximately 3400m². The site is located at the south eastern end of a small industrial area located off Pentrebach Road, Glyntaf. The south west and north eastern boundaries of the site are defined by the quarry face, a number of mature trees, which are covered by preservation orders (TPO Number W1) also define the boundaries of the site. It is noted that an industrial unit previously occupied the site in question, the land to the south east of the building was also used in connection with the business that operated from the unit. The site is currently vacant with the former building having been removed following significant fire damage. Vehicular access to the site would be gained via the internal access road, which serves neighbouring industrial developments and connects with Pentrebach Road to the far north west. Neighbouring uses include a builder's merchants and M&E Bin Hire. To the south east is St. Mary's Close and to the north east is Graig Yr Helfa Road, both of which are residential streets, which occupy elevated positions above the application site.

PLANNING HISTORY

Relevant planning history is outlined below:

10/0752	Unit E & Land Adjoining Unit F, Glyntaff Sidings, Pentrebach Road, Pontypridd	Application for a Lawful Development Certificate for an existing use as vehicle repair and vehicle storage (Class B2).	Granted 30/12/14
97/2840	Glyntaff Sidings, Pentrebach Road, Pontypridd	Change of use to include Class B2 (General Industrial) in respect of consent number 56/96/0116 industrial units	Granted with conditions 20/02/98
96/116	Glyntaff Sidings, Pentrebach Road, Pontypridd	Construction of small industrial units with service yard and associated car parking.	Granted with conditions 29/03/96

95/485	Glyntaff Sidings, Pentrebach Road, Pontypridd	Construction of small industrial units with service yard and associated car parking.	Refused 17/11/95
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PUBLICITY

The application was advertised by direct neighbour notifications and site notices. Nine letters of representation have been received in response to the publicity these are summarised as follows:

- Objections are raised on the grounds that the use is inappropriate in a residential area.
- Objections are raised on the grounds that the operation of the previous units caused disturbance to residents by way of noise, and the burning of materials on site both occurring late into the evenings and at weekends.
- One letter refers to the Human Rights Act: Article 8 which provides that everyone has the right to respect for his/her private and family life. It is stated that over a period of 20 years residents of Glyntaf have objected to applications at the site on the grounds of noise, burning of waste and air pollution.
- It is noted that on 13th June there was a major incident at the site and residents were evacuated from their homes. The fire caused black smoke and many explosions.
- Reference is made to both the Rhondda Cynon Taf Local Development Plan and the Environment Strategy for Wales. It refers specifically to the “Welsh Government wish to see the Welsh environment thriving and contributing to the economic and social well-being and health of all of the people of Wales.”
- The letter also refers to the Regional Waste Plan (2008) 1st Review and its aims, including the need to ‘minimise adverse impacts on the environment and human health’.
- The letter also refers to a Rhondda Cynon Taf Community Strategy (2010 – 2020) ‘Live. Grow. Aspire. Achieve’ and its objectives, including “to Deliver a better quality of life by ensuring our communities are vibrant, healthy and safe, provide access to a range of cultural, commercial and leisure activities and protect our natural heritage.”
- The letter identifies a number of policies from the Rhondda Cynon Taf Local Development Plan, including AW8 which refers to protection and enhancement of the natural environment and AW10 which refers to environmental protection and public health
- It is claimed that over the preceding 20 year period, the Council has not imposed conditions, monitored or controlled the impact of the site’s operation upon people’s health and well-being.
- Reference is made to the fact that in 2010 a certificate of lawfulness for the use of part of the site as Class B2 was approved despite objections by residents.
- It is stated that land adjacent to the development has been damaged. It commented that parts of this land are covered by tree preservation orders and the land has ecological value. It is claimed the site’s ecological value was

recognised in an appeal decision dating to 1994 for residential development on the former railway cutting.

- Concern is expressed that after the fire the slurry of water mixed with residual oil, paints, solvents, petrol plus metal and other contaminants were scraped up with mechanical diggers, placed into dumper trucks and deposited onto the floor area of the protected woodland site. Although the material has since been removed concern is expressed that this has resulted in the loss of approximately 50% of the ground layer.
- Questions are raised whether the applicant had the relevant permit to remove the waste from the site.
- Reference is made to The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 and it is suggested that an Environmental Impact Assessment to identify the environmental and social risks should be carried out.
- Reference is made to the guidance set out in Technical Advice Note 5: Nature Conservation and Planning.
- Reference is made to The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009.
- Two further letters from residents on St. Marys Close specifically outline personal family circumstances and explain that their decision to move to the property (in 2018) was prompted by the wish to have use of a large garden and its proximity to wildlife.
- They refer to having experienced many instances where burning from fires at the site occurred. They note the health concerns that this presents, particularly to vulnerable individuals and those with ill-health.
- They outline the fear that was experienced as a result of the fire in June. They note that whilst the unit was lost to the fire, many trees along St. Mary's Close were also affected. They comment that these events have affected the family's emotional and mental well-being.
- They express concern that the noise generated from the site is often at an unacceptable level and can occur at unsociable hours, into the night and at weekends and bank holidays.
- They express concern that if permission is approved for the re-construction of the units then the same situation could occur again, potentially placing residents at risk.
- It is suggested that the use would be better placed on a purpose built industrial estate.

CONSULTATION

Highways and Transportation - no objections raised.

Land Reclamation & Drainage – no objections raised, conditions suggested.

Public Health & Protection – no objections raised, conditions suggested.

Welsh Government Highways – no objections raised.

Natural Resources Wales - no objections raised, informative notes recommended.

Countryside, Landscape & Ecology – no objections raised.

Dwr Cymru/Welsh Water – no objections raised conditions suggested.

Wales & West Utilities – no objections raised. Wales & West Utilities has assets in the area, which may be affected during construction works. The applicant must contact Wales & West Utilities to discuss their requirements.

Western Power Distribution – no objections raised, informative notes recommended

South Wales Fire & Rescue – no objections raised, informative note recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Indicates that the site is inside settlement limits and is unallocated.

Policy AW2 promotes development in sustainable locations.

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

Policy AW6 sets out the criteria for new development in terms of design and place-making.

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

Policy AW10 sets out the criteria for environmental protection and public health.

Policy SSA13 sets out the criteria for development within settlement boundaries in the Southern Strategy Area.

National Guidance

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generation's goals and is consistent with the relevant key principles and requirements for each of the Chapters those being:

Chapter 2 People and Places: Achieving Well-being Through Placemaking,

Chapter 3 Strategic and Spatial Choices (including good design)

Chapter 4 Active and Social Places (including Transport)

Chapter 5 Productive and Enterprising Places (including the economy, energy, minerals and use of material resources)

Chapter 6 Distinctive and Natural Places (including historic environment and landscapes)

REASON 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 site lies within settlement limits and in an area with a history of commercial activity. The proposal seeks to develop a new industrial building on a parcel of land that is currently vacant, but was previously occupied by a unit comparable to the proposal. As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposals upon both the character of the area, highway safety and ecology are further considerations.

Principle and amenity impacts

The application site is a parcel of land that forms part of a wider area that is in use for commercial/ industrial purposes. The wider site, which is accessed off Pentrebach Road, houses commercial uses including M&E Bin Hire and a Builder's Merchants. The application site lies at the south western extent of this area and is located within settlement limits.

A review of the history of the site has revealed a number of planning applications relating to previous industrial uses at the site. The most relevant of these relate to a 1996 permission for the construction of a development of small industrial units with service yard and associated car parking and a subsequent application in 1997 to change the use of one of the units in question to Class B2. Furthermore, in 2014 a certificate of lawfulness was approved, which related to the use of a further unit for Class B2 activities. As such, there is clearly a well-documented history of industrial uses under Classes B1/B8 and Class B2 operating from the site.

The current application has been submitted following the loss of the previous building due to fire damage. The scheme seeks to construct a replacement building in the same location and with broadly the same footprint of that which previously occupied the site. As noted above, prior to the loss of the building a combination of Class B2 and Class B1/B8 were consented to operate from the site. The current scheme seeks to replicate the same division of land uses that were previously in place (having been established by earlier planning applications and the certificate of lawful use). As such, approximately two thirds of the building would offer Class B2 floor space, while the remaining one third would offer Class B1/B8 floor space.

It is noted that as a result of publicity of the application a number of representations have been received from residents living in the vicinity of the application site. The content of their letters is outlined in full in the preceding publicity section of the report, however the fundamental concerns expressed relate to the potential for the operation of industrial/commercial businesses trading from the site to cause disturbance and adversely affect the amenities of the occupiers of nearby dwellings.

It is understood that residents previously experienced disturbance from the operation of one of the businesses that traded from the site. Their letters state that disturbance took the form of noise, as the business often operated until late into the evening/night and also from odour as it is claimed that fires were frequently lit at the site. Residents are fearful that if the building is rebuilt, then the same problems will arise again. Whilst the above-mentioned concerns are acknowledged and the impacts upon amenity resulting from previous operations are acknowledged, it is noted that such problems are likely to have arisen as a result of mismanagement of the unit by a previous individual tenant operator. Furthermore, having reviewed the 1996 and 1997 applications, it appears that these consents did not place any formal controls on the hours of operation of the businesses trading from the site.

Whilst it is accepted that the current application seeks to restore a building from which uses under Classes B1/B8 and B2 would operate, it is considered that the potential impacts arising from its operation could be limited by restricting the hours of business. The applicant has indicated a willingness to accept a condition which would control the hours during which future businesses could trade. The condition in question would permit future occupiers to trade only between the hours of 8.00am – 7.00pm. This would reduce the potential for disturbance to neighbouring occupiers by restricting trade late into the night and during unsociable hours.

Whilst it would not be possible to impose planning conditions which restrict issues such as noise and the lighting of fires at the site, it is important to note that nuisance resulting from such activities, should they arise, could be controlled under Public Health & Protection legislation.

It is acknowledged that residential properties are situated to the north and south east of the application site, with the closest being located approximately 30 metres from the proposed building. However, both the dwellings on St. Mary's Close and Graig yr Helfa Road occupy positions that are significantly elevated above the application site, meaning that any direct views of the site from these properties are obscured. Furthermore, vehicular access to the site is gained from an existing access point 160 metres to the north west of the site, so it is not considered that the development would give rise to disturbance from traffic movements associated with the proposals.

Therefore, whilst it is acknowledged that a number of residential properties are located in the vicinity of the application site, this must be balanced against the fact that the land to the north west remains in use for commercial purposes, and the planning history of the site clearly reveals a history of commercial activity on the land. Furthermore, it is noted that the need for the current application has arisen only because the previous buildings on the site were lost through fire damage.

Therefore, on balance, with the use of conditions, which would limit the operation of the businesses to daytime trade and restrict activities during unsociable hours it is not considered that the impacts resulting from the proposals would result in an adverse impact upon neighbouring amenity that would be so great as to warrant the refusal of the application.

Character and Appearance

As set out above, the proposed building would be sited on broadly the same footprint as the previous property. The building would be sited with its rear elevation adjacent to the south western boundary of the site, and its primary elevations overlooking an open space to the front of the proposed industrial units. The building would be uncomplicated in its design, with a shallow ridge roof design and elevations finished in profile cladding panels. Each of the five units within the main building would be served by commercial roller shutter doors and secondary pedestrian doors. As noted above, the area to the north west is commercial in character, with existing businesses, including a builder's merchants operating from large industrial building with adjacent storage yard. It is considered that the proposed building would be comparable in terms of its scale and appearance to that of the adjacent commercial properties.

Whilst the site lies close to Pentrebach Road and a number of residential properties are located on St. Mary's Close and Graig yr Helfa Road, as a result of the topography of the site the proposed development would not be readily visible from either of these vantage points. As such, overall, it is not considered that the resulting development would appear either harmful to or out of keeping with the character of its setting.

Highway Safety

In order to aid in the assessment of the development upon highway safety, consultation has been undertaken with the Council's Transportation Section. Their response comments that the proposal represents the construction of replacement industrial units, located on the same footprint as those that previously occupied the site but were lost due to fire damage.

It is noted that the means of access to the site would remain unaltered, utilising an existing access that serves the neighbouring developments and connects with Pentrebach Road. It is also noted that a large area of land is available to the front of the proposed units, which would allow sufficient space for the parking and turning of vehicles associated with the development. As such, it is not considered that the proposal would result in any adverse impacts upon highway safety in the vicinity of the site, and their response concludes by raising no objections to the scheme.

Ecology

In the letters of representation received following the publicity of the planning application, a number of residents expressed concern with regard to the potential impacts of the previous and proposed developments upon both ecology and protected trees in the vicinity of the application site. As such, the Council's Ecologist has visited and reviewed the application site. Their observations note that as the replacement building will be located on the same footprint as the previous, the proposal will only affect previously disturbed ground which is completely clear of vegetation. As such, it is not considered that there would be an ecological impact that would warrant the need for an ecological survey.

It is noted that the perimeter of the application is covered by a tree preservation order, and a number of trees have grown on the quarry sides. It is understood that some of these trees were badly affected by the fire at the site and as consequence have had to be removed, for reasons of health and safety. However, it is noted that these works were undertaken with the consent of the Council's Tree Officer. Their observations also confirm that the construction of the proposed building would not require the removal of any of the remaining protected trees. Nevertheless, should Members be minded to approve planning permission, a construction management plan condition could be used to ensure that appropriate protection measures are in place to ensure that no further trees are affected during construction.

Contamination

It is noted that in representations, some residents have expressed concern that material, arising from the demolition of the former industrial units was been deposited on land adjacent to the site and that this could present issues in terms of potential contamination. As such, consultation has been undertaken with Natural Resources Wales. It is important to first note that the material in question has now been removed from site; nevertheless, NRW have confirmed that the matter will be investigated, although this will take place outside of the planning system, and the complainant (who also raised the matter directly with NRW) will be notified of the outcome of the investigation.

In relation to the proposed reconstruction, their observations comment that as a building with broadly the same footprint as that which previously occupied the site, the proposals are unlikely to involve major groundworks. Nevertheless, they note that as the site has experienced fire damage, there may be residual contamination present. Similarly, this matter has also been identified by the Council's Public Health & Protection Section. As such, whilst neither consultee raise an objection to the planning application, should members be minded to approve planning permission, the use a condition is suggested which would require the applicant to submit a contaminated land risk assessment prior to commencement of the development.

Finally, given the circumstances surrounding the loss of the previous building, consultation has been undertaken with the Fire Service as part of the planning application. Having assessed the proposals, their response concludes by raising no objection to the application; however, they recommend that matters relating to fire safety be brought to the applicant's attention. As such, should Members be minded to approve planning permission, it is suggested that an informative note be attached to the consent which draws the applicant's attention to the need to ensure the provision of both adequate water supplies on the site for firefighting purposes; and access for emergency firefighting appliances.

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 CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The proposal represents the construction of a replacement building on the broadly the same footprint as the previous, with the same configuration of uses. Whilst it is acknowledged that some residential properties are located in vicinity of the site, it is considered that any impacts resulting from the operation of the units could be adequately managed via controls under public health and protection legislation and conditions, which limit the hours of operation of the business. Furthermore, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the area, highway safety and ecology and therefore accords with the requirements of the Local Development Plan. Therefore, the proposal is recommended for approval, subject to the conditions specified below.

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)

- Location Plan scale 1:500
- Project no. IR18194 Drawing no.005 P2 – Finishes Layout
- Project no. IR18194 Drawing no.006 P2 – Finishes Elevations
- Project no. IR18194 Drawing no.SK100 Site Plan & Site Location Plan

and documents received by the Local Planning Authority on 14/12/18 and 28/01/19 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. The building shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

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

4. 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.

5. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme referred to in Condition 4 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.

6. 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.

7. The industrial units hereby approved shall not operate other than between the hours of:

Monday – Sundays: 08.00am to 7.00pm

Reason: To ensure that the noise emitted from this development is not a

source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Before any work is commenced on site, measures for the protection of adjacent trees, protected by Tree Preservation Order W1, during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall remain in place during the course of the construction period.

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

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