



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

GWŶS I GYFARFOD PWYLLGOR

C Hanagan
Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd 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 -
01443 424062

Bydd cyfarfod o'r **PWYLLGOR CYNLLUNIO** yn cael ei gynnal **AR Y SAFLE** ar **DYDD MERCHER, 10FED GORFFENNAF, 2019** 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:

1. Mae gofyn i Aelodau ddatgan rhif a phwnc yr agendwm mae eu buddiant yn ymwneud ag ef a mynegi natur y buddiant personol hwnnw.
2. 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>	Archgrove, Heol y Ficerdy, Pen-y-graig, Tonypandy, CF40 1HN	Cais: 19/0329 - Newid defnydd o adeilad preswyl i gartref gofal plant.

<u>AMSER</u>	<u>LLEOLIAD</u>	<u>PWRPAS</u>
<u>11.00 am</u>	Tir i'r dwyrain o Stryd y Felin, Tonyrefail, CF39 8AE	Cais: 18/0313 - Dwy uned Dosbarth A1 (manwerthu) arfaethedig, tair uned Dosbarth A3 (bwyd a diod), isadeiledd y priffyrdd, meysydd parcio, trefniadau gwasanaethu a gwaith cysylltiedig.

Cyfarwyddwr Gwasanaeth y Gwasanaethau Democrataidd 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 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 R Yeo ac Y Cynghorydd D Williams

Safle 1

Cynghorydd Lleol - Y Cynghorydd J Cullwick ac Y Cynghorydd J Davies

Safle 2

Cynghorydd Lleol - Y Cynghorydd D Grehan ac Y Cynghorydd D Owen-Jones

PLANNING & DEVELOPMENT COMMITTEE

13 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0329/10
(GW)
APPLICANT: Rise Care Limited
DEVELOPMENT: Change of use from residential into a children's care home.
LOCATION: ARCHGROVE, VICARAGE ROAD, PENYGRAIG, TONYPANDY, CF40 1HN
DATE REGISTERED: 04/04/2019
ELECTORAL DIVISION: Penygraig

RECOMMENDATION: GRANT

REASONS:

The proposal would beneficially provide a home for children in need of care. Whilst a number of objections have been received that state the development would result in a detrimental impact on residential amenity, the character of the area and on parking and highway safety, it is considered due to the small scale of the proposed care home that there would not be a significant detrimental impact on these issues.

Objectors have also stated that the care home would result in an increase in levels of crime, vandalism and anti-social behaviour and that this would have a detrimental impact on the character of the area and the community. Whilst these issues would not be welcomed, it is not the remit of the planning system to control who is homed or how care homes are run. Notwithstanding this, the applicant has detailed the home would be staffed by care workers and a manager and that the home would be registered with Care Inspectorate Wales (CIW). It is acknowledged that the additional information submitted by the applicant may not eliminate local anxiety and fear, however, it is considered that the actual and perceived risk to public safety would not carry sufficient weight to warrant the refusal of the application.

REASON APPLICATION REPORTED TO COMMITTEE

The application is being reported to Committee as three or more letters of objection have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of a residential dwelling into a care home for 4 children.

The home will be run as a residential children's home for four young people of mixed gender with an age range of 11-17. The Young People will all be on care orders and accommodated through local authorities. The applicant has clarified this could involve care for young people from Welsh authorities, including RCT.

The home will be staffed by three residential care workers present each day working on a shift pattern. These are part of a total of 9 carers (3 teams of 3 staff). Two of those care workers will carry out sleep in duties on rotation, ensuring a 24-hour provision. In addition, the home will be managed by a Registered Manager working during the week. The home is currently in the process of being registered with the Care Inspectorate Wales.

There will be no structural changes to the building. Four parking spaces on the drive and two spaces within the garage are identified.

The application is supported by:

- Planning Statement
- CIW report for house run by Rise Care in Ebbw Vale

SITE APPRAISAL

The application site is a relatively large detached dwelling located on the Vicarage Road. The surrounding area is mainly residential in nature. To the rear is Belle Vue Park, which can be accessed from Park Road.

PLANNING HISTORY

The following application's do not relate specifically to the application property, but relate to sites in close proximity, which it is considered have a relevance to the current application.

18/0267	Danycraig, 11 Vicarage Road, Penygraig	Proposed use as a supported living property for 7 residents and associated staff facilities (C2 Residential Care Home)	Granted 18/06/18
54/96/0072	Land adjoining 7 Vicarage Road, Penygraig	Outline planning permission for residential development	Granted 20/03/96

PUBLICITY

The application was advertised via the erection of site notices and by direct neighbour notification. 53 objections including a petition from 3 people have been received at the time of writing this report and their comments are summarised below:

Leanne Wood A.M.

- Opposes the application. It will be a 24-hour operation in a quiet residential area. Parking and noise will impact on the residents.
- I have concerns generally about the state of the children's care home sector throughout the UK. I am not against children's homes being located in the Rhondda. I am aware that there is a great need for this type of accommodation. However, the type of homes that have previously been set up in Rhondda Cynon Taf and also nearby in Bridgend County Borough Council, have failed to meet the criteria of the stable environment that vulnerable young people require.
- The primary motive of private companies in this sector is to make the maximum profit. Given these concerns I would request an assessment from social services as part of this planning process to determine whether this facility would meet local need, noting in particular that the policy intention of all local authorities should be to reduce residential placements and invest in proper training of parents to provide family homes for "looked after" children.
- The fear of crime is a material consideration when determining this type of development and thus can provide a lawful basis for refusal of planning permission. The children who are sometimes placed in such residential children's homes can be the most challenging of looked after children, often requiring intensive personal support. In a proper facility, such support would be provided by fully qualified and trained professionals who are experts with this potentially challenging group. Local residents can in no way be expected to have the same level of expertise to deal with difficult situations and are concerned about having to. Experience elsewhere has shown that companies frequently cut corners and fail to provide proper or adequate support and that the inspection system has been slow or unwilling to hold them to account and to rectify problems that have arisen.
- I am aware that many of the objections from the local community may not be planning considerations and that on a legal basis, planning permission could therefore end up being granted in this case. If residents objections – and the objections outlined in this letter – are not deemed to be pertinent enough planning considerations, then I would urge that conditions are imposed on this development and permission is granted only on a temporary basis (one year), that children with criminal records for violent offences or burglary should not be placed at this particular home and that the company concerned pay for security features on neighbouring properties and engage with the neighbours on a regular basis.

Chris Bryant MP

- Has been contacted by many constituents with concerns about the care home.

Councillor Cullwick

- Rise Care Ltd and its director and deputy director have limited experience of running care homes. Only 9 months in Ebbw Vale.
- They are based in Bristol where the finances will go.
- They do not know much about the community, history, culture or geography of the South Wales Valleys.

Residents Comments

The planning use class, Land ownership, covenant, plans and advertising of the application

- What use class is this in?
- Archgrove's land registry title includes: - "that the property can only be used as a dwelling house", a category C3 building. To consider a change of use, and locating a Residential Child Care Home seems incomprehensible.
- It's my understanding that Rise Care, making this application, are not the owners of Archgrove.
- The submitted block (location) plan is inaccurate and misleading. The rear of it omits Belle Vue Park. The floor plans are titled with a different house name. They have blue markings which are unexplained.
- There is no fire escape route shown on the plans.
- I only heard of the application on social media which is disappointing. Residents have not been formally consulted on the planning application.

Crime, anti-social behaviour and noise and disturbance

- A similar care home in Tonyrefail has attributed to a 300% crime increase, a rise in car crime, a rise in anti-social behaviour, criminal damage, drug related offences and residents in the community have been threatened. Police call outs have raised from 3 in 30 months to 18 call outs of police all relating to the care home in 5 months. These issues have happened at a care home in Bridgend. Any damage would come out of the Councils and tax payer's pockets.
- There are similar issues at Rise Care Ltd.'s home in Ebbw Vale. Police were called to this property a 100 times in a month. In the past 18 months 18 staff have left. It took 6 months for issues to be sorted out.
- Rhondda Cynon Taff County Borough Council Corporate Plan 2016 – 2020, it has, as one of its objectives that 'Rhondda Cynon Taff will be amongst the safest places in Wales, with high levels of community cohesions and residents feeling safe'. The RCT Community Plan and Local Development Plan promotes health and well-being and safer communities. The Council has a statutory obligation to reduce crime and anti-social behaviour.

- The Well Being of Future Generations (WFG) Act 2015 asks Councils to implement five ways of working – think about the long term impact of their work; look to prevent problems from happening and work better with local people, communities and other organisations. A longer term impact needs to be taken into account in this planning decision.
- There is a lack of details with regard the type of children who will occupy the property. It can only be assumed they will have the very worst level of problems.
- Vicarage Road is a quiet and peaceful residential area of a strong character where people aspire to live. The area is 90% pensioners or young family's (most vulnerable people in the community) with a park across the road that the children use.
- Penygraig is labelled a Communities First area and within the 10% of the most deprived areas in Great Britain and the crime rate here is higher than other areas of RCT. Allowing this care home will increase crime, threatening behaviour, vandalism, littering, antisocial behaviour, drug abuse and noise and disturbance.
- We don't want to live near this and it will destroy the community and change the character of the area. Planning must aim to improve the area and not make it even worse. It will affect how secure I feel in the area and result in increased fearfulness, anxiety and would affect my mental health.
- These young people are being brought in from outside of RCT which leads me to assume that they have had to leave their previous areas for reasons that are negative. They do need support, but we cannot put our own children and community at risk.
- The property is also situated right on the boundaries of the local park where young children play and the care home children would be able to come and go from the home when they want and have easy access to the park.
- Concerns are raised that potentially vulnerable youths will be housed in an area where an existing resident has received an ASBO and that there is already existing anti-social behaviour and people involved in drinking and drug taking in the area.
- There is little in the area for children to do to keep them occupied. There is also no work. This will increase the potential for the occupiers to cause crime.
- The area is already troubled by gangs of youths who cause significant unrest and damage over and above what is reasonable and the Police are constantly in attendance in the area. This will increase the strain on the police, local services and the local authority's financial resources.

Suitability of Rise Care, the staff and privately run care homes

- This will not be a residential property. It will be a 24hr business operation with staff shift changes which will continuously create, light and noise (both an environmental pollutant), disturbance, and disruption .
- There is a general failing of placing society's unwanted and damaged children in to care homes, particularly those run for profit, and this is a disgrace.
- Rise Care has only 2yrs experience of running its only residential care home. There is no evidence they are financially stable and the applicant is involved in other companies and has not demonstrated it is committed to child care. The applicant is more interested in profit than the care of the children.
- The children in the house will not be cared for in a stable environment and this will result in them being involved in criminal activities.
- The property has little in the way of usable garden space for amenity use by the occupiers. It will not be fit for purpose.
- The business is based in Bristol. How can they provide support for the staff and children?
- There will be inadequately trained staff and a high staff turnover.
- The ratio of staff to children is inadequate.
- If a commercial use is allowed it will lead to potential other similar uses in a residential area. This would spoil the community.

Parking and access

- There is insufficient parking for the staff required to fully operate this home and off road parking at the house is limited and some is potentially unusable due to the steep and narrow drive.
- It is already difficult to park in the street outside my property without numerous staff and visitor parking outside the neighbouring properties .
- The access is on a bend with poor visibility.
- The increase may negatively impact on access for emergency services.

Impact on resident's amenity

- It will result in overlooking. The attic windows are not obscurely glazed and should be prevented from opening. There will be overlooking from other windows and from the conservatory.
- Archgrove can easily accommodate a further two children at least if permission is granted increasing the negative impacts.

- A care home for deaf/ blind people has been allowed recently. How will the occupiers be affected and the addition of another care home in the area?

Other objections/comments

- How can they already be carrying out works and permission has not been granted yet?
- It will decrease the value of houses in the area.
- The dwelling has not been built in accordance with the original planning permission. The attic windows have not had obscurely glazed glass installed. There is a drainage problem. The levels of the house and surrounding land was changed without informing the neighbours. This has impacted on watercourses and has forced groundwater either side of the house and on to the public highway.
- A site visit should take place by the Planning Committee to look at the issues.

Care Inspectorate Wales – no comments received.

Dŵr Cymru/Welsh Water – no objection subject to: surface water from any increase in the roof area of the building/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

RCT Children's Services – no objection. The registration of this children's home would be via Care Inspectorate Wales who would be responsible for inspections of any children's home and ensuring it meets the requirements of the regulations.

RCT Flood Risk Management – no objection and no conditions are recommended.

RCT Public Health and Protection – no comments received.

RCT Transportation Section – There is some concern that the off-street car parking is tandem. However, taking into account the off-street car parking available is in accordance with the council's SPG Access, Circulation & Parking 2011 and the garages and car parking areas have been conditioned to remain for the parking of vehicles only the proposed is acceptable.

South Wales Fire and Rescue – no objection.

South Wales Police – no objection to the proposed application and recognise the need for such facilities in communities. Safety and security measures are recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support the role of principal towns and key settlements; provide high quality, affordable accommodation that promotes diversity in the residential market; and ensuring the removal remediation of dereliction by promoting the re-use of under used and previously developed land and buildings

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

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

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

Supplementary Planning Guidance

Delivering Design & Placemaking: Access Circulation and Parking Requirements
(March 2011)

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.

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.

The following Planning Policy Wales chapters set out the Welsh Government's policy on planning issues relevant to the determination of the application.

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

Chapter 3 - Strategic and Spatial Choices (good design making better places, promoting healthier places, sustainable management of natural resources);
Chapter 4 - Active and Social Places (community facilities and recreational spaces);
Chapter 5 - Productive and Enterprising Places (reducing energy demand and use of energy efficiency); and
Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network and lighting).

Other relevant policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development; and
Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The applicant has submitted the planning application for the conversion of a dwelling within an existing residential area to a residential care home for 4 children. Three care staff and a manager would be present during the day and two care staff overnight.

Firstly, it is noted that many of the objections infer that the system of care homes in the community shouldn't be allowed; particularly those run by private companies, not based in the area and who could put making a profit at the expense of the care of the children. Further objections raise concerns that Rise Care Ltd and its directors are inexperienced and that there should be an assessment of their ability to provide a care service and the local need for it. Whilst these opinions are acknowledged, these are however legal, regulatory and political issues, that are not controlled under the scope of the planning system. The planning system and decisions on planning applications are primarily concerned with land use issues such as the impact on amenity and the environment.

The question of what use class this proposal comes under has been raised in the public consultation exercise. A children's care home comes under a C2 use class (Residential Institutions). Other uses under this use class include other care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. It should however be noted this class is separate from a C2a (Secure Residential Institution) use class which covers young offender's institutions, prisons, secure hospitals etc.

Objectors have detailed the use is not similar to a residential use and is however a commercial use. It is also stated the building is not appropriate for use as a care home, particularly in terms of the lack of usable outside amenity space. Whilst it is acknowledged that staff would work on a shift pattern over 24 hours, that a manager would be based at the site during the week and it would be run by a private company, the property would also be a home for the children and the time they are there. The building itself was constructed as a dwelling and would generally retain a standard arrangement of rooms found in most homes, albeit with a staff room, education room and an office. In terms of the outside amenity space there is a small patio and conservatory to the rear. It is noted the garden areas are in places steep and overgrown, however some usable space could be created if needed. Whilst more space would be welcomed, it is also noted that in terms of the age group of the children that would be at the home (11-17 year olds), that this age group normally have a lesser requirement for garden space than younger children. Members are also advised that access to Belle Vue Park, to the rear of the property, is in close proximity on Park Road. Therefore, it can also be argued that small care homes can have similar characteristics to dwelling houses (C3 use class). Members are advised that this has been clarified in some planning case law examples.

In 'North Devon District Council v First Secretary of State (2003)', it is argued that whilst the use of a property had changed from C3 to C2 that there has not been a material change of use that requires planning permission. In general, the case law suggests, this is the case, where there are 6 (or less) occupants living as a single household. The decision whether the change of use would or would not be considered material is a matter of fact and degree.

The submitted application details a proposal similar to that in the case above where children would live in a home looked after by care staff on a rota system. This application would however have a property manager working during the week and the 8 occupiers that could be at the house during the day is over the 6 threshold for care homes that come under the C3 (b) use class. These details seem to indicate that a material change of use would occur as a result of this proposal. Notwithstanding the above, this is not an application to determine if planning permission is required or not. As such, the application for a change of use has been submitted and it will be considered on this basis.

However, Members are advised that it is considered important for the assessment of this application, that the case law detailed above is noted and that this highlights that the main consideration for this application is the impact of the increased intensification of the proposed use. The impact of a C2 (residential care home) use would be more likely to result in a greater intensity of use than a C3 (dwelling house) use in terms of planning considerations such as access and parking and residential amenity. These issues are discussed in greater detail below:

Impact of the greater intensity of use on material planning considerations

Noise and disturbance

As detailed in the 'Publicity' section, objectors state the area is a quiet residential area and have raised concerns with regard the 24hr nature of the proposal, issues of

noise and light pollution, disturbance from shift changes and the coming and going of traffic.

With regard to these issues the property is relatively large, detached and is set with in its own grounds with parking off the street. The number of staff required is low and the scale of the running of the care home would more than likely not require significant coming and goings. It is noted that staff would cover a 24-hour period, however shift changes would be minimal with one in the morning and one in the evening. During unsociable hours, like most homes, it is expected the residents would be more than likely asleep or within the house. Noise from the occupants could be similar to that in any dwelling.

Therefore, whilst there may be some increased impact; it is considered likely that there would not be a significantly greater impact from noise and disturbance than could be experienced from the existing use.

Impact on privacy

There would be no changes to the property in terms of the position and size of windows in the existing dwelling. Objectors have however raised issues with regard overlooking of properties to the front and either side and to the park. It is however considered there would be no difference to the potential of overlooking from that of the existing use of the building.

One objector raises concern that the attic windows do not have obscure glazing and that this should have been put in when the dwelling was built.

Members should note this issue, with regard the dwelling not being constructed in accordance with the original planning permission, is also further commented on in the 'Other Objections' section below.

Turning back to the privacy issue, the objector also details these windows should be prevented from being opened. In assessing this, the windows are small and no use has been shown for that room. If permission was however granted, there would be no restriction on it being used for living accommodation, a recreation room or a bedroom etc. The applicant has been informed with regard the objection and has agreed to fit obscure glazing. Members are advised this can be controlled by a suitably worded condition. In terms of the window being non-opening, it is considered this would not be necessary or reasonable.

In summing up this issue, it is considered there would not be a significantly greater impact from overlooking and loss of privacy as a result of the proposed use as compared to that of the existing dwelling.

Parking and Highway Safety

The property benefits from 2no. garages and a drive for 4no. cars. Members are advised parking would need to serve 4 no. staff during the day and any visitors. It should also be noted that it is a possibility that staff could use public transport or if they live locally then they may not need car parking.

Objectors have detailed that the off-street parking may not be usable, the access is dangerous and that there is a significant amount of on-street parking and that further on-street parking would exacerbate existing highway safety issues.

It is acknowledged that further on-street parking could occur if the proposal is granted. As with every property that has a drive, it cannot be controlled that the off-street parking is used. However, parking is not restricted on Vicarage Road and is available to use. At the time of a site visit there was space available, however it is acknowledged this was at one particular time during the day. Whilst parking may be in high demand at other points of the day this is a first come first served basis. The care home is not of a large scale and any increase in on-street parking as a result would not be significant.

No objection has been raised by the Transportation Section as they detail sufficient off-street parking for the use is available. Therefore, it is considered this issue would not warrant a refusal reason.

Character of the area

In terms of the character of the area, no physical changes to the building and grounds are proposed. Objectors have stated that the area's character would change for the worse due to the proposal and the commercial aspect of the proposed care home and others in the area. Whilst a more intensive use may result in a greater number of people/cars at the property, due to the small scale of the proposal, there would not be much difference to the use of the building as a dwelling. It is therefore considered the proposal would not warrant a refusal reason on this issue.

Crime and Anti-Social Behaviour

Significant objection has been received from local residents who suggest this proposal would result in an increase in crime, vandalism, anti-social behaviour and police call outs in the area and that this would affect the amenity of residents, the community and its character. Many of the objectors have pointed to issues at care homes in Tonyrefail, one in Bridgend and one run by the applicant's company in Ebbw Vale. Members are advised that it is understood the homes in Tonyrefail and Bridgend are not run by the applicant's company. As such, it would be difficult to show a link that crime or anti-social behaviour from occupiers of these homes would result in similar issues at the proposed home.

Whilst the objector's concerns are noted and highlight potential issues that can result from the running of care homes, it could be the case that the proposed children's home would not result in such significant issues. There may also be examples of care homes in the area that do not result in such significant issues, albeit no evidence has been put forward to show this. The behaviour of the occupiers would be a matter for the individuals in the home and the management of it and the planning system cannot control who manages care homes. The regulation of standards in care homes is controlled by Care Inspectorate Wales (CIW).

In one case law example (Bromley 02/12/1994 DCS No 033-844-797) a Planning Inspector states, "that the frequency of bad behaviour would be difficult to predict and would depend on individual children and the supervision they received. These were personal matters not concerned with the use of the property". Therefore, whilst any incidences would not be welcomed, it is considered that the use of the land, as a care home, would not warrant a refusal reason for this issue.

As detailed above, some objectors have stated Rise Care Ltd do not have the experience or ability to run care homes. Whilst it is not in the remit of the planning system to regulate the running of care homes or any commercial business and for the purposes of a balanced argument; the following provides some evidence to the contrary. The applicant has detailed the home would be staffed over a 24-hour period and that they are going through the process of registering the home with CIW. The applicant has also submitted a CIW report dated 1st May 2019 for their home in Ebbw Vale. This details that home did experience issues, but shows a generally positive way in which the home has improved and is currently run. The summary of the report includes the following:

"We found that significant improvements and progress had been made since the last inspection. Young people are well cared for and experience a good sense of well-being; they are making very good progress and are supported to engage in a range of education, employment and volunteering opportunities. Young people's views and wishes are listened to and respected; care and support is personalised to meet individual needs and preferences. An established motivated staff team is in place and the home is well managed by an experienced and effective manager".

As such, it is considered, this provides evidence, that Rise Care Ltd have shown they are following the regulatory process that maintains standards for the running of care homes.

Members are also advised that no objection has been raised by South Wales Police who acknowledge the need for this type of facility in communities. They recommend that safety and security measures are provided to the home. If permission is granted this can be added as an informative note. The Council's Children's Services Division have not raised any objection to the application.

In summing up the above, significant objections and concerns have been raised by local residents. These suggest, that in the opinion of objectors, the home would result in crime and anti-social behaviour to the detriment of the character of the area and the community. However, the home would be staffed by care workers and a manager and the home would be registered with CIW. It is acknowledged that this may not totally eliminate local anxiety and fear, however, it is considered that the actual and perceived risk to public safety that has been evidenced would not carry sufficient weight to warrant the refusal of the application.

Following on from the above, some objectors have detailed there is a significant amount of existing anti-social behaviour/crime in the area and that it is not a suitable area for the children in care to be looked after. Again, this is not a land use planning issue and no significant evidence has been submitted to prove that the children

placed in the home would be at risk or that would carry sufficient enough weight to warrant a refusal reason.

In a letter from Leanne Wood A.M., it details if permission is granted the neighbouring properties should be fitted with CCTV cameras. As identified above, it is considered that there is not sufficient evidence that the occupiers and the use would result in crime or anti-social behaviour. As such, it would be unreasonable to require the developer to provide these measures.

In addition, the Assembly Minister has suggested a condition limiting the home to those without convictions for violent offences or burglary. Whilst these concerns are acknowledged, the planning system does not control who can occupy care homes and residential dwellings within local communities. It is therefore considered it would be unreasonable to restrict the occupation of the care home from children with such backgrounds. Members should also note that the proposal is not for a secure residential institution (C2A Use Class) where children are being held for having caused a crime.

In conclusion, whilst a fear and anxiety of crime and anti-social behaviour has been generated by this application, it is not the planning system which regulates who would be housed in the care home and the management of it. It could also equally be the case that the children in care do not cause these concerns. Therefore, whilst the concerns raised are acknowledged and would not be welcomed, it is considered, that the arguments do not carry sufficient evidence and weight in planning terms to warrant a refusal of the application.

Temporary Permission

It has been suggested (from responses to the consultation process) that if permission is granted that only a temporary permission is granted. Members are advised Government guidance on the use of conditions (Welsh Government Circular WGC 016/2014: The Use of Planning Conditions for Development Management) details "where an application is made for permanent permission for a use which may be "potentially detrimental" to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development." Members are advised that this power does not apply except with the undertaker's consent (section 267 of the Town and Country Planning Act).

However, it is noted that in an appeal case for a care home (Renfrewshire 07/09/2004 DCS No 055-509-140) an Inspector allowed the appeal limiting the use for a period of two years in order to allow full assessment of the potential impact.

At the time of writing this report the applicant has verbally stated they would not agree with this condition as it would leave the children without a home if the use ceased.

Members are advised, whilst a temporary permission would allow for the use to be tested as a trial run, it is however considered it would be unreasonable and unnecessary as it is considered the use in planning terms is acceptable. If matters of poor management or behaviour were to occur as a result of the home these would be a matter for the regulatory and law enforcement bodies, i.e. CIW and the Police.

Number of Residents

Members are advised that it is considered additional care home residents, beyond the 4no. being proposed, may result in a further intensification of the use that may have more significant material impacts on land use planning issues as discussed above. This may not be acceptable and it is therefore considered it would be necessary to limit the number of residents. This could be controlled by a suitably worded condition on any permission granted.

Other Issues

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

Other objections

- Objections have been raised from local residents with regard to a covenant that restricts the site to a C3 residential use. This is however a legal matter and outside the scope of this planning application.
- An objector has stated the applicant doesn't own the property. The applicant has however detailed on the application form that they own the site. Whilst no evidence to prove the applicant doesn't own the site has been submitted, it is reasonable to assume the applicant does and the application forms have been completed correctly. Notwithstanding this, the ownership of the property is not a reason to warrant a refusal of the application.
- With regard to the issue of the effect on property values, it is considered this is not a material planning consideration and not a matter to be taken into account in the determination of the application.
- The objections with regard to obscure glazing, drainage and levels that have not been addressed from the original planning application for the dwelling are noted. However, the dwelling was built over 10 years ago and is now lawful and unfortunately no enforcement action could now be taken in relation to conditions on that original consent.
- The objection with regard to the submitted floorplans having a different house name is noted. The applicant has updated this with the current name of the property.
- The issue with regard to the lines on the plan are noted, however the blocking up or opening up of internal accesses would not require planning permission.

- The issue with regard the fire escape route is noted, however this is not a requirement for planning permission and is covered under other legislation.

Drainage

The condition recommended by Dŵr Cymru/Welsh Water is not considered necessary as the development does not include any changes to the roof area or impermeable surfaces.

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 application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, the impact on residential amenity, the impact on the character of the area and highway safety (Policies CS1, AW2, AW5, AW6 and AW10).

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:

- Proposed Floor Plans received 18th May 2019

and documents received by the Local Planning Authority on 5th April and 17th April 2019, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The premises shall only be used as a residential care home for a maximum of 4no. children and for no other purpose; including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes)

Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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

4. The garages and parking area identified in the parking area plan received on 16th April 2019 shall remain in perpetuity for the parking of vehicles in connection with the care home use of the property only.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the first beneficial occupation of the care home hereby approved, the attic windows on the side gable elevations shall be fitted with obscure glazing to an industry standard of privacy level three or above and maintained in perpetuity as such.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

27 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0313/10
(SF)
APPLICANT: Actoris Clubland Ltd
DEVELOPMENT: Proposed two Class A1 (retail) units, three Class A3 (food and drink) units, highways infrastructure, car parking, servicing arrangements and associated works
LOCATION: LAND TO THE EAST OF MILL STREET, TONYREFAIL
DATE REGISTERED: 23/03/2018
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: APPROVE

REASONS:

The application site is allocated under Policy CS7 and SSA15.3 for retail development and the principle of redeveloping the site for retail uses is therefore considered appropriate. Whilst a number objections have been received from local residents, it is not considered that either the location of the development or proposed new access arrangements will have an adverse impact on local residents. The scheme will make effective use of an undeveloped area of land within the settlement boundary, will generate economic growth by providing a number of employment opportunities in local area and will result in visual improvements to the site.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This is a full application for the redevelopment of the site to provide two Class A1 (retail) units and three Class A3 (food and drink) units, together with and associated

highways infrastructure, parking and servicing. The development comprises 2 buildings positioned in a right angled formation and providing a total floor area of 763 sq.m as follows:

Building 1 - a single storey building with approximate dimensions of 30m in width by 14.5m in depth and 7.5m in height. The building is shown divided into 4 units with Unit 1 providing 112 sq.m of A1 (retail) floor space and Units 2, 3 and 4 each providing 93 sq.m of A3 (food and drink) floor space. The building is mainly rectangular with Unit 1 projecting slightly at the northern end and would be of a brick construction with reconstituted stone features and clear glazed shop front and have a pitched roof finished in cement fibre slate. It would be located towards the northern end of the site backing onto the north-eastern boundary.

Building 2 - a single storey building with approximate dimensions of 15m in width by 24.5m in depth and 7.5m in height. The building is shown as Unit 5 providing 372 sq.m of A1 (retail) floor space. The building is rectangular and of the same brick and reconstituted stone construction as building 1 and would be located towards the southern end of the site but still backing onto the north-eastern boundary. A 2m high close boarded fence is located adjacent to the north-eastern boundary and provides a 2m wide service corridor which links the 2 buildings.

Access to the development for customers and servicing would be via a new junction arrangement and access road leading from the existing access of Mill Street, which would include culverting the existing watercourse. The internal access road is shown to provide access into the retail site and also to form part of a future link road running both to the south and east of the site. A car parking providing 28 spaces (including 2 disabled spaces) is provided in front of the retail units with 2 separate delivery bays located to the north and south to serve each building. New footways are also provided either side of the new access with a footpath link to the north of the site. To the south of the new access road an area is identified which will enable rear access to a number of properties in Mill Street to be maintained and 4 car parking spaces are also provided, to replace those displaced from Mill Street.

The supporting letter confirms that the application site is allocated under Local Development Plan Policy CS7 and Policy SSA15.3 for new retail development as part of a comprehensive development of land east of Mill Street that will also include 185 new dwellings (Policies SSA10.6 and SSA10.9). It is confirmed that due to a fundamental change in the market for larger supermarkets it has proven challenging to identify any large format store interest, however, interest has been secured from the Co-op for a 372 sq m food store with a further 112 sq.m retail store and three A3 units with a total floorspace of 279 sq m. It is maintained that these units together can provide an attractive local centre that accords with the policy expectation. Although the specific occupiers of the buildings and the proposed hours of opening are not yet known, it is anticipated that 20 full-time employees would be created through the development.

In addition to the application forms and plans, the application is accompanied by the following information:

- Transportation Assessment (Corun) - March 2018

- Flood Consequences Assessment & Drainage Report (Shear Design) - March 2018
- Preliminary Ecological Appraisal (Building Ecology Consulting) - February 2018.
- Non-Residential Coal Mining Report (The Coal Authority) - February 2018.

SITE APPRAISAL

The application site which extends to an area of approximately 0.53ha, consists of a roughly rectangular shaped area of land to the north of the existing access track from Mill Street and an irregular shaped area of land to the south located within the settlement boundary of Tonyrefail. The site lies to the east of Mill Street, which serves as the main road linking the southern part of the town with the High Street to the north. It is understood that the northern part of the site was previously occupied by a dwelling (no 43 High Street), but this has been demolished to facilitate access into the site. The southern section lying immediately to the rear of no's 45-57 Mill Street comprises areas of hardstanding and scrubland, but previously accommodated the non political clubhouse building and its car park, with hardcore from its demolition remaining on site. Access is provided from the adopted highway leading from Mill Street across a vehicular bridge which crosses a culverted watercourse running along the northern boundary of the site.

Vehicular access to the site is gained from Mill Street to the west via the adopted highway, which leads to the Western Power substation and power plant depot located adjacent to the northern boundary and then runs north to the rear of properties in Mill Street. A number of overhead power cables run along the north-east boundary of the site and beyond this, the land is overgrown. The south-west corner of the site lies adjacent to a number of allotments and the tarmac access from the site entrance also provides access to a number of garages belonging to properties in Mill Street (no's 49, 53 and 55). The site is relatively flat and free from vegetation, having been cleared following demolition of the club house building.

PLANNING HISTORY

A planning history search of the application site has identified that it has formed part of a larger site which has been the subject of a number of planning applications / enquiries as follows:

14/0408	Former Tonyrefail Demolition works of the former club, single Prior Non Political Clubstorey building with flat and mono pitch	Prior approval Not required
08/0274	Tonyrefail Non-Political Club Retention of fascia sign over entrance (advertisement application).	18/04/11 Granted
08/0274	Land off Mill Street, Tonyrefail, Proposed residential development, replacement social club and new relief road.	26/03/08 Withdrawn

07/1686	Car park, Tonyrefail Non-Political Club 2 no portable shipping containers sited in car park	01/11/07 Granted
06/1918	Tonyrefail Non-Political Club Two portable shipping containers sited in car park	01/12/06 Refused

PUBLICITY

The application has been advertised by means of direct notification of properties surrounding the site and the display of site notices.

In response, **six letters of objection** have been received against the planning application, which raise the following concerns:

Access point onto Mill Street

- Mill Street is already very congested with substantial parking issues for residents and visitors of retail premises.
- The exit onto Mill Street is usually a blind spot with near misses.
- Access road is also used as a short cut to the adopted lane but is not suitable for this level of traffic.
- There are already 4 access points onto Mill Street and the development will increase the accidents and problems.
- Fuel delivery lorries to the petrol station already find this difficult to access.
- A previous proposal to build houses was dropped as the impact on the local area with the extra traffic was too great.
- Due to future housing and the 'super school' more traffic is likely to pass through Mill Street.
- Crossing the road in Mill Street is already a problem.

Parking

- Parking in Mill Street is problematic for businesses and residents and results in illegal on street parking.
- On street parking reduces the flow of traffic to one lane for most of the day with the only passing place outside of the garage and opposite the proposed access and any waiting traffic will make the situation worse.
- Limited waiting times in the retail areas means that businesses or visitors are using residential areas.
- The proposed parking will be insufficient and displace existing problems.
- Most sections of Mill Street have cars continually parked and double yellow lines are not enforced.
- Currently 6-7 cars park on the access lane and more double yellow lines are proposed, so resident will not be able to park near their homes.
- The proposal includes 4 parking spaces for residents, however the double yellow lines will displace 9 cars.
- Increased parking restrictions will have an adverse impact on the town centre.
- The management of the car park by a private company will have a negative impact on residents.
- More retail units with inadequate parking will be detrimental to the area.
- Travelling to a supermarket with easy and free parking is a big draw.

- Less units and more parking spaces will encourage more people to use local services and support the community.

Noise / Dust

- There is no information about the hours these units will be in use.
- Whilst there are other retail units further up the street, they are small units and do not have big deliveries.
- Tonyrefail has a daytime economy with only a few food and retail outlets open later.
- There are elderly residents and young families, whose quality of life will be affected.
- The retail outlets are likely to be part of a national chain and queries are raised over the size of lorries and delivery times.
- Delivery lorries may access the site in the early morning or late at night.
- Queries are raised whether noise impact studies have been undertaken and this has not been addressed in the application.
- Also, what measures will be put in place regarding noise, dust and other nuisances during construction?

Litter problems / Pollution

- A real problem already occurs with food outlets / take-aways in Tonyrefail.
- There is already a problem with smells and other pollution from other take-aways and this will be exacerbated.
- Queries are raised over the facilities for the disposal of food waste – there is already a vermin problem in the area.
- Currently the area is not lit by street lights, however any additional street lamps to light the access road and retail units may cause light pollution.

Loss of privacy and impact on amenities

- Location of the access road opposite existing residential properties may affect privacy.
- The use of the existing access road is limited, however there will be a substantial increase from early morning to late night and existing front windows overlooked.
- There will also be an increase in people congregating in the area outside residential properties.

Flooding Issues

- The site is next to a river which frequently floods the access road in periods of high rainfall.
- Littering may also result in issues with the river and culvert being blocked.
- Queries raised over the impact on and management of the river.

Design Issues

- Properties in the area are of a traditional appearance.
- The modern design proposed is not in keeping with the locality.

Need for the development

- Whilst it is understood that the land was acquired for housing development, queries are raised over who is going to gain from this proposal.
- The residents of Mill Street / Prichard Street will be blighted by such a development.
- It would take footfall from existing businesses in Tonyrefail, leaving existing commercial areas vacant and falling into disrepair.
- For people who can't drive the existing shops are essential and could never compete with a retail park.
- The existing shops would miss the passing trade and are already suffering from the loss of the banks and post office, as people spend their money elsewhere.
- If the petrol station closed, the nearest would be in Talbot Green, Tonypany or Blackmill, the journeys to which would have an environmental impact.
- It's like Tonyrefail has been put on a life support machine – pass this application and RCT will be turning this machine off.
- The increased traffic problems and littering would impact on the wider community.
- When shops shut in the town they will become boarded up and a hive for anti-social behaviour.
- The 20 expected low pay / zero-hour jobs to be created will lead to 30+ jobs lost in the town.
- The emergency services already have a nightmare getting through Mill Street when needed.
- The people in Tonyrefail do not want this development to go ahead, surely a new health centre and extra parking would be a better plan to adopt.

CONSULTATION

Transportation Section – initially raised an objection to the application primarily due to concerns raised regarding the junction of the proposed access. However following the consideration and assessment of further information submitted, officers have raised no objections to the application subject to the imposition of a number of conditions, including one requiring that a new roundabout is constructed at the junction of the application site with Mill Street prior to development commencing that will cater for the traffic requirements of the proposed development and that of any future development.

Natural Resources Wales - it is identified that the application site lies partially within Zone C2 and that the FCA accompanying the application identifies that the buildings and car parking areas are predicted to be flood free. The access road is within the predicted 0.1% (1 in 1000 year) annual probability fluvial flood outlines, however following the submission of further information confirming that only small sections of the road are proposed to be raised above the existing level, it has been confirmed that the impact of this raising will be minimal and has therefore no objection is raised from a flood risk perspective.

Dwr Cymru / Welsh Water - has raised no objection but has requested conditions to require the submission of a drainage scheme and that no foul and surface water and land drainage is allowed to connect with the public sewerage system. The site is also

crossed by a public sewer and further advice is therefore provided regarding the location of any operational development within the site.

Wales and West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and it is confirmed that other infrastructure may not be shown but should be anticipated and safe digging practices are therefore recommended.

Western Power Distribution – has raised no objections, but has advised that an application to WPD would be required for a new connection or service diversion.

Public Health and Protection Section - has raised no objections subject to conditions to control the suppression and dispersal of odour and noise from any ventilation system, to control food products from entering the foul drainage system and potential contamination. Further general advice is also provided in relation to demolition, noise, dust and waste disposal.

South Wales Fire and Rescue Authority – has raised no objections but has advised that the developer should consider the need for the provision of adequate water supplies on the site for fire-fighting purposes and access for emergency fire-fighting appliances.

Countryside, Landscape and Ecology Section - the Council's Ecologist has raised no objection and has identified that the ecology impacts appear minimal, however the site is adjacent to habitat which may be of more ecological value and therefore a condition is requested to require the provision of a scheme of ecological mitigation.

Land Reclamation and Engineering Section – has raised no objections to the proposal subject to conditions requiring the submission of drainage details and a hydrological impact assessment. The works will also require a separate Ordinary Watercourse Consent from the authority.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the Southern Strategy Area and within the defined settlement boundary. The application boundary lies within an allocation for new retail development under Policy SSA15.3 and also forms part of a comprehensive development of land east of Mill Street that will include 185 new dwellings (Policies SSA10.6 and SSA10.9). Land to the west, but outside of the application site, forms part of a Site of Importance for Nature Conservation (SINC AW 8.92) and is also located within a C2 Flood Zone.

Policy CS2 – advises that in the Southern Strategy Area, emphasis will be on sustainable growth, focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings. This will also be achieved by realising the importance of the Principal Towns and Key Settlements as areas of social and economic growth and providing opportunities for significant inwards investment in sustainable locations.

Policy AW2 - supports development proposals in sustainable locations which would not unacceptably conflict with surrounding uses, have good accessibility to a range of sustainable transport options, have good access to key services and facilities and support the role and function of key services.

Policy AW4 - confirms that contributions towards new or improved services, infrastructure and related works may be sought in respect of a number of facilities including, highway infrastructure works, recreation, leisure and community facilities.

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

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

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

Policy AW10 - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination, land stability, water pollution and flooding.

Policy SSA4 – proposals for commercial development within the Key Settlement of Tonyrefail will be permitted where the development reinforces its roles as a Key Settlement, is of a high standard of design, integrates positively with existing development.

Policy SSA10.6 - provides for residential development at Land East of Mill Street, Tonyrefail (100 dwellings).

Policy SSA5.3 - in accordance with policy CS 7, land is allocated in the Southern Strategy Area for retail development at Land East of Mill Street Tonyrefail (2000 m²).

SPG - Nature Conservation

SPG - Design and Placemaking

SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

SPG - Employment and Skills

National Guidance

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

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 (Wales) Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 'People and Places: Achieving Well-being Through Placemaking', of PPW10 and is also consistent with the following, inasmuch as they relate to the development

Chapter 3 - Strategic and Spatial Choices (good design making better places, sustainable management of natural resources, accessibility, supporting infrastructure);

Chapter 4 - Active and Social Places (community facilities and recreational spaces);

Chapter 5 - Productive and Enterprising Places (economic development, reducing energy demand and use of energy efficiency);

Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network, air quality and soundscape and lighting).

Paragraph 4.3.2 advises that:

'Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction.'

Paragraph 5.3.10 goes on to advise that:

At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road. '

Paragraph 6.4.3 also confirms that:

Development plan strategies, policies and development proposals must consider the need to:

Safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them...'

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development.

Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Principle of the proposed development

The application site is located within the settlement boundary of Tonyrefail, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. The core strategy Policy CS 2 of the Rhondda Cynon Taf Local Development Plan (LDP) relating to development in the south, places an emphasis on providing sustainable growth and identifies the promotion the reuse of under used and previously developed land as one of the means of achieving this. In this case, the application proposes the redevelopment of an area of land previously used for a community / institutional use (non-political club) and as such, is considered to comply with this core strategy, as well as the general presumption for developing previously developed land contained in other local and national policies.

In identifying sites in sustainable locations, Policy AW 2 also sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. The site is within the settlement boundary where it is accessible by foot and public transport and also forms part of a larger site allocated for retail and housing in the LDP and as such, is considered to comply with Policy AW2

In respect of the specific LDP allocation under Policies SSA 15.3 and SSA 10.6, this relates to circa 100 dwellings and 2000 sq.m of retail floorspace and it is therefore considered that the current proposal which is for a total of 763 sq.m of floorspace is in conformity with the principles and strategy set out in the LDP. Whilst it is acknowledged that the retail element of the allocation was for 2000 sq.m of retail floorspace and it was previously envisaged that the site would accommodate a small local supermarket, given the more recent changes in the retail market, it is considered that the current proposal (763 sq.m) is appropriate for the Key Settlement and retail centre of Tonyrefail and in accordance with Policy SSA 15.3 of the LDP. It is also considered that the retail development proposed and associated access works could also act as a catalyst for the housing element of the allocation to come forward. It is therefore concluded that the proposed development will make a valuable contribution to the retail offer of Tonyrefail and that the principal of the development is therefore acceptable.

A further assessment of the application in relation to other relevant policy criteria is provided below.

Access and highway safety

The application is accompanied by a Transport Assessment (TA) which provides details of the proposed access and parking arrangements required in association with

the proposed development. This identifies that as the Council's SPG sets a threshold of >2000 sq.m for a such an Assessment, the report provides more information than would otherwise be required, however it is recognised that due to the Council's aspirations regarding the wider site, it is considered appropriate that the Highways Authority is well informed in relation to the existing highway network capacity. The Assessment identifies the pedestrian, cycling and public transport opportunities, concluding that the site is in a highly sustainable location and therefore compliant with local and national planning policy.

The scheme proposes that the existing adopted highway leading from Mill Street and some of the surrounding land within the applicant's ownership is used to provide a T-junction arrangement which, subject to various safety and accessibility enhancements, is considered sufficient to serve the proposed development. The Transport Assessment acknowledges that the Highways Authority would prefer a mini roundabout in this location if the wider strategic site development or link road materialise, however, based on the analysis carried out, it is suggested by the applicant that a T-junction would be acceptable in terms of highway capacity and safety for the retail development proposed.

The TA also includes a preliminary design for the junction including vision splays of 2.4m x 41m in each direction and 40 metres of double yellow lining (no waiting at any time) to the north and south of Mill Street. Provision of delivery vehicles is also provided in the form of swept path analysis for a large rigid delivery vehicle and stage 1 Road Safety Audit (RSA) for the proposed T-junction. In relation to provision for pedestrians and cyclists, the new access road includes 2m wide footways either side of the carriageway with dropped curbs and tactile paving crossing points. The submitted details also suggest that the requirement for a Travel Plan by condition would also maximise sustainable travel for staff and that the applicant would also be willing to contribute towards wider transport improvements in order to meet the Council's emerging LDP aspirations. It is confirmed that parking provision has been provided in accordance with the Council's SPG requirements with the provision of 26 non-operations car parking spaces being provided. Four additional parking spaces are shown to be provided located to the south of the internal access road to accommodate the parking which will be displaced from Mill Street and two operational parking bays and 10 cycle parking spaces are also provided. The TA concludes that the proposed development will have a negligible impact on the highway network and therefore complies with transport policy at a local and national level.

Following an initial objection raised by the Council's Transport Section to the scheme and in particular, to the proposed T-junction access arrangements, further Transport Notes and amended drawings have been prepared by the applicant's Transport Consultant and, having considered this additional information, a number of concerns continue to be raised. Transport Section consider firstly that the red line boundary identifying the application site does not include the full area required to construct the proposed access road from Mill Street and other highway or private land may be required, making the scheme undeliverable. This issue was raised with the applicant when the application was first received, however it was confirmed that the land outside of the red edging was highway land and no works were proposed that required planning consent.

It is also considered by Transport Section that the simple T-junction proposed at Mill Street to serve the proposed retail development (in addition to future residential development and the extension of the access road to form a link road to bypass Tonyrefail town centre) gives serious cause for concern. It has been confirmed that side road traffic from the retail development alone exceeds the 300 trip level which would require the provision of a right turning lane at the junction, however there is no space available to accommodate such provision. The junction geometry is considered to be severely sub-standard in terms of the horizontal alignment on approach and junction radii to cater for all types of commercial vehicles such as 12m long rigid HGV as well as 16.5m articulated lorries (the vehicles likely to serve this type of development) and there is insufficient information to demonstrate that the vertical and horizontal alignment of the proposed access road will not adversely impact on the ability to construct any future extension of a link road to bypass Tonyrefail town centre and residential development.

Whilst the proposals indicate the building out of the kerb line and narrowing of Mill Street at the proposed junction, the swept paths of 10.4m rigid chassis vehicles indicate that there would be significant overrunning of the centreline of Mill Street and the proposed access road. The new junction must also accommodate the maximum permissible rigid chassis vehicle with a length of 12 m and articulated vehicle (16.5m length), in order to accommodate future residential traffic and lorries and buses diverted by completion of the link road. (Although it is acknowledged that there are currently no firm proposals for this link road, but it is essential that any proposals do not prejudice the ability to provide this road).

The vision splays of 2.4m by 40m which are proposed are in accordance with TAN 18, however this would rely on the provision of prohibition of parking to maintain adequate vision. This gives serious cause for concern due to the high demand for on street parking at this location which would be increased by the loss of on street parking resulting in indiscriminate parking obscuring junction visibility. Whilst it is noted that the TA states that enforcement would be a matter for the authority, it is considered that it would not be possible to provide the level of enforcement required to ensure that the vision splays were kept clear at all times. The reliance on prohibition of parking markings to ensure highway safety is also not considered acceptable and the resulting removal of on street parking from Mill Street and require public consultation and therefore may not be deliverable.

The trip generation provided within the TA is considered acceptable and residential trip generation has been addressed within Transport Note TN02 to account for residential development SSA 10.6 and 10.9. Although it is indicated that the proposed retail element of 762m² would be the total retail development deliverable under SSA 15.3 (1238m² retail), however, the potential traffic that could use the link road if constructed has not been assessed which gives major cause for concern in terms of capacity, operation and safety of the junctions, in particular the proposed sub-standard junction off Mill Street. It is also considered that limited consideration has been given to the provision of safe and satisfactory access for pedestrians and cyclists in compliance with Active Travel (Wales) Act 2013 and Planning Policy Wales 10th Edition to encourage sustainable modes of travel.

The current application submission, whilst being accompanied by a detailed Transport Assessment and having been supported by additional information has continued to

raise a number of concerns with the Transport Section. Whilst being supportive of the principal of the development, it is considered that the provision of a roundabout to serve the new junction arrangement would be necessary in order to make the scheme acceptable in highway safety terms. Having given further consideration to the nature of this amendments, it has been concluded that this could be secured by means of a 'Grampian style' condition, through which details of the highway improvements, including the provision of a roundabout at the new junction with Mill Street could be required. Members will be aware that such negatively phrased conditions, which require that development is not carried out until certain works have been carried out on land that is not in the control of the applicant, are often used in circumstances such as this and such an approach is also supported in national guidance contained within Circular WGC 016/2014 – The Use of Planning Conditions for Development Management.

In response to this suggestion, the applicant's agent has raised a number of further issues regarding the latest Highways consultation response and considers that there is no reasoned justification for requiring a roundabout. It is highlighted that this solution requires third party land and considers that it is not lawful for the Council to impose a Grampian style condition on land outside of the applicant's control. Reference is made to the general advice contained within the Circular, that planning conditions should not be imposed on land that is not under the control of the applicant. No reference has however been made to specific reference contained within the Circular regarding Grampian conditions which, by reference to relevant case law, confirms that a condition can be negatively phrased to prevent development until certain works have been carried out on the land. One of the example conditions provided within the Circular which requires no development to commence until the local sewerage infrastructure system has been upgraded is not dissimilar to what is being requested in this case by the Highways Section. Furthermore, the Circular advises that such conditions should not be imposed if there is no reasonable prospect of the required action to be carried out and the applicant's agent has highlighted that a roundabout arrangement would involve third part land. It is understood however that the land that would be affected is either highways land, or owned by someone who has an interest in bringing forward and developing the remaining allocation to the east and officers have therefore concluded that a reasonable prospect exist of the roundabout being delivered.

The applicant's agent has also requested that the application is reported to Committee without the suggested conditions being imposed and it is advised that if the application were to be subsequently refused, an appeal would be lodged to enable the reasonableness of the Council's position to be independently scrutinised. Whilst it is acknowledged that there remains a fundamental disagreement over the new junction arrangements, it is not however considered that a recommendation of refusal would be the most appropriate course to take for an application which is acceptable in all other respects and can be made acceptable with the imposition of appropriate conditions. Furthermore, the applicant would have the right of appeal to the Planning Inspectorate against any conditions which they considered to be unreasonable and this would still give the applicant the opportunity of having the highways position independently reviewed.

Subject to the imposition of the highways conditions which have been recommended, it is therefore considered that the scheme would be compliant with Policy AW5 of the Local Development Plan.

Impact on the character and appearance of the area

The main application site is located to the east of Mill Street which is one of the main established residential streets and route through Tonyrefail, which also has a petrol filling station opposite the site entrance and other commercial premises (Western Power compound) in the immediate locality. The wider area is also characterised by a mixture of residential properties, with more retail premises along Mill Street to the north leading up to the High Street and land to the south and east accommodates a number of allotments and agricultural land.

As the site previously accommodated a community facility (non-political club), residential properties backing onto the site would have experienced some noise and activity associated with this previous use. Whilst it is acknowledged that the proposed development will also be more visually prominent and the required access arrangements will result in the site entrance being opened up, it is not considered that the introduction of these new retail facilities will detract from the character or appearance of the area, particularly. As identified earlier, the scheme is considered to be compliant with the LDP Policy SSA15.3 for retail use and the development will result in less floor space than that which was allocated (2000 sq.m).

The layout of the scheme is considered acceptable given the constraints which existing surrounding the site and is considered to comprise an appropriate development in the context of the remaining LDP allocation which is anticipated to come forward in the future. The two single storey buildings proposed are considered to be of an appropriate design and appearance and whilst modern in appearance, it is considered that the external finish of the buildings in brick with reconstituted stone features and pitched roof finished in cement fibre slate will be acceptable in this location. The remaining external areas which will accommodate the access point, car parking spaces and servicing areas are shown to be finished in tarmac and block paving, however the scheme also includes new turfed and landscaped areas around the perimeter of the site.

In conclusion, it is considered that the proposed scheme will enable the redevelopment of an areas which vacant and unsightly. The design of the scheme is considered to complement the existing development and will therefore result in an overall improvement to the appearance of the area in compliance with Policy AW6 of the LDP.

Impact on Residential Amenity

It is not considered that the proposed development will result in an unacceptable impact on nearby residential properties, although it is acknowledged that a number of issues relating to amenity have been raised through the public consultation process including the creation of a new access point and parking issues, the creation of noise, dust litter and pollution, design issues and loss of privacy and amenity.

In respect of the issues raised in relation to the proposed new access point onto Mill Street it is acknowledged that Mill Street is already congested and has a number of

access points leading onto it. The constraints that exist have however been acknowledged by the Transport Section and taken into account in providing comments in relation to the application. Whilst it is accepted that the new access arrangements will not resolve all of the existing difficulties which exist, the detail that will be required to be put in place, including the provision of a new roundabout, should ensure that the proposed development can be accommodated without having a significant impact on nearby residential properties. Similarly, it is acknowledged that the proposed scheme will result in the loss of a number of on street spaces over which the Transport Section have raised some concerns, however the current scheme proposes to accommodate 4 spaces within the site to the rear of residential properties in Mill Street. Whilst this will not replace all of the spaces that are likely to be lost, any new junction arrangement in this location required to facilitate the LDP allocation would have this effect and on balance, the provision of 4 alternative spaces is considered acceptable.

In respect of noise, dust and other pollution issues raised, it is acknowledged that residents may experience some noise and disturbance issues during the construction process, however these issues are able to be controlled under legislation and any loss in amenity is expected to be temporary. Whilst no hours of opening hours are included within the application details, it is considered that it would be appropriate to restrict the hours of opening of all of the units and associated deliveries and an appropriate condition is therefore proposed to address this. It is acknowledged that the location of the new access and development will result in more activity, both in terms of vehicular and pedestrian activity in the area, however the proposed new buildings and associated car park is a similar distance from existing residential properties as the former non-political club building and the proposed development is not therefore likely to create an increase in activity that would be significantly harmful, particularly when considering the close proximity of the site to other retail units in Mill Street.

Whilst the issue of flooding has been raised, the details submitted have been considered by both the Council's Drainage Section and NRW and no objections have been raised. It is acknowledged that the proposed development is of a modern appearance, however the site forms the entrance to the wider land allocation where housing schemes are anticipated to be brought forward in the future and it is therefore considered appropriate that the development has a modern appearance. Furthermore, the proposed external appearance of the units in brick with reconstituted stone features and cement fibre slate roofs will not look out of place with surrounding development. Finally, whilst a number of objections have queried the need for the development, this issues would have been considered at the time the LDP was prepared and it has been concluded that a larger retail allocation (up to 2000 sq.m) could be accommodated without having an adverse impact on the existing town centre. It is therefore concluded that the proposal complies with Policy AW5 of the Local Development Plan.

Other Issues

Drainage and flooding

The application is accompanied by a Flood Consequences Assessment (FCA), which identifies the applicant's proposed intentions for the foul and surface water drainage systems to serve the proposed development. This identifies that the proposed finished floor levels will be 125.60m AOD which is higher than the current flood levels of 125m

AOD. Whilst the proposed access is within the flood zone, there will be no commercial development in this location. It is identified that whilst the NRW flood map highlights areas of the development to be at surface water flood risk, surface water will be managed through a new drainage system with attenuation measures to enable it to discharge to the existing watercourse at the northern boundary of the site. Furthermore, the culvert under the site access will be constructed to ensure that there are no changes to the flow within the watercourse.

The Land Reclamation and Engineering Section have not raised any issues in relation to the proposed drainage strategy for the development, subject to the imposition of appropriate conditions to require the submission of a detailed scheme. The response from NRW also confirms that following an initial query raised regarding the potential raising of the access road and the receipt of further information from the applicant confirming that only small sections of the road were proposed to be raised above the existing level and relating to the culvert capacity to demonstrate that the new culvert will not cause an increase in flood risk elsewhere, no objections are raised. Subject to appropriate conditions, it has therefore been concluded that the proposed development is acceptable from a land drainage and flood risk perspective and that the development complies with Policy AW10 of the LDP.

Public Health and Protection

In considering public health issues arising from the proposed development, two issues have been identified, namely the implications of the ground investigations carried out on developing the site and the impact of potential contamination which may exist within the site and the proposed A3 uses in terms of odour and noise control.

The response from the Public Health and Protection Section has identified that as a result of the location of the site within 250m of a landfill site, it is recommended that a condition is attached to deal with any contamination which may have occurred in the intervening period. In relation to the other A3 uses, it is recommended that conditions are imposed to ensure that odour and noise from exhaust ventilation systems are satisfactorily controlled and to prevent waste cooking products from entering the foul drainage system.

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

Ecology

In relation to the ecological impact of the scheme, the application is accompanied by a Preliminary Ecological Appraisal, which was undertaken in order to identify whether the application site included any habitat which would support protected species. The report concludes that the majority of the site comprised areas of tarmac and hardcore that previously accommodated the former working men's club and no protected species were found within the site. It is identified that the site is however located within 500m of 'Rhis Tonyrefail' Site of Special Scientific Interest (SSSI) and it is suggested

that through a series of appropriate steps and mitigations, the effect of the operations on the SSSI and on other habitats and species can be made negligible

The Council's Ecologist has confirmed that as site is adjacent to habitat which may be of more ecological value, a condition should require the provision of details of a scheme of ecological mitigation as set out in section 4 of the report. Subject to the imposition of a suitable condition, it is therefore considered that the requirements of Policy AW8 of the LDP will be satisfied.

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 constitutes Class A1 retail development creating over 100 sq.m of floor space, where there is a liability of £100/sq.m.

The CIL (including indexation) for this development is expected to be £64,195.82.

Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed re-development of the site is in accordance with the LDP allocation contained within Policy AW15.3 and will generate economic growth on the site, resulting in a number of employment opportunities in local area. It complies with all relevant policies of the Local Development Plan, whilst bringing significant visual improvements to the area.

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)
 - Site Location Plan P100 Rev A – January 2018
 - Proposed Site Plan P02 Rev A – November 2017
 - Proposed Ground Floor Plan P03 – November 2017
 - Proposed Roof Plan P04 – November 2017
 - Proposed Elevations 1 P05 – November 2017

and documents received by the Local Planning Authority on 23rd March 2018. 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. Building operations shall not be commenced until a schedule of external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the schedule approved. .

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

4. 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. The Development hereby permitted shall not be occurred 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. Prior to any A3 use commencing, a scheme odour/ effluvial/ fume control shall be submitted to and approved by the Local Planning Authority. The exhaust ventilation system to control fumes and odours shall include details of its location in relation to surrounding properties, party walls and details of provisions to reduce the emission of the sound. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

8. Prior to any A3 use commencing, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: Reason: In order to protect the integrity of the foul drainage system in accordance with policy AW10 of the Rhondda Cynon Taff Local Development Plan.

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

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

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

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

11. No development should be allowed to commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment, including proposed mitigation, design details and a development program with respect to

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

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to flood risk in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence until: -

(a) precise details of a roundabout, which is to be constructed at the junction of the application site with Mill Street, have been submitted to and approved in writing by the Local Planning Authority; and

(b) the roundabout has been constructed in accordance with those approved details.

Reason: To ensure that a satisfactory means of access will be provided to serve the proposal and any future development (SSA10.6 and SSA15.3), in the interests of highway safety and in accordance with Policy AW5 of the LDP.'

13. No works whatsoever shall commence on site until a Traffic Regulation Order / Notice (TRO/ Notice) in respect of the extension of parking restrictions at Mill Street has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

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

14. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the internal road layout, street lighting and surface-water drainage, highway structures and tie- in to the existing rear lane, including longitudinal sections, contoured plan and construction details 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 prior to beneficial occupation.

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

15. No development shall commence on site until the adequacy of the culvert conveying the watercourse beneath the proposed access road has been assessed hydraulically and structurally and necessary strengthening or remedial works necessary to accommodate 40 tonne HA/HB loading and secure a design life of 120 years has been approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the highway structure and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Notwithstanding the submitted layout plans, an area to accommodate a 26 car parking spaces, two commercial vehicles parking spaces and 10 cycle parking stands shall be marked up and constructed in permanent materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The parking spaces shall be retained in perpetuity in connection with the business unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

17. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of displaced car parking spaces from Mill Street including, construction details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.

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

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

19. HGV deliveries during the construction period shall take place between the hours of 09:00 and 16:30 on weekdays unless otherwise agreed with the Local Planning Authority.

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

20. 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 and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

- a) Travel Plan Co-ordinator.
- b) Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling, car sharing/pooling and use of public transport.
- c) Management strategy for monitoring and delivering the objectives.
- d) Review Process.
- e) Financial penalties (£376/daily trip) and fall-back position if the targets set have not been achieved.

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

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

22. Prior to the beneficial occupation of the development hereby approved, a comprehensive scheme of landscaping, which includes only native trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

24. Prior to the beneficial occupation of the development hereby approved, boundary treatments shall be completed in accordance with a plan indicating the position, design, materials and type of boundary treatments, which shall first be submitted to and approved in writing by the Local Planning Authority.

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

25. No development shall take place until details of the a scheme of ecological mitigation as set out in section 4 of the report '[Land behind] Mill Street, Tonyrefail, RCT – Preliminary Ecological Appraisal Report – Feb 2008, Building Ecology Consulting' has been submitted to and approved in writing by the Local Planning Authority. The development of the site shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

26. The development hereby approved shall not be open to the public or receive any deliveries used except between the hours of:

06:00 and 23:00 hours daily.

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

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