



## **PLANNING & DEVELOPMENT COMMITTEE**

**9 MAY 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1400/10  
(MF)

**APPLICANT:**

**DEVELOPMENT:** Demolition of existing buildings and the construction of 18 no. affordable residential dwellings and associated access arrangements and works (amended site layout received 07/02/19).

**LOCATION:** **ST ANNES CHURCH, CHURCH TERRACE, YNYSHIR, PORTH**

**DATE REGISTERED:** 20/12/2018

**ELECTORAL DIVISION:** Ynyshir

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**RECOMMENDATION: APPROVE, SUBJECT TO SECTION 106 AGREEMENT**

#### **REASONS:**

Whilst the loss of the existing historic building is regrettable and it is accepted the scheme will inevitably result in a considerable alteration to the current character and appearance of the site and its immediate surroundings, it is considered the proposed building would form an attractive feature within the locality and a natural rounding off of Church Terrace with Station Road. Furthermore, it is considered the use of appropriate, traditional design features and finishing materials will ensure the resulting building is generally in-keeping with the character and appearance of the surrounding area.

Additionally, whilst it is accepted a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by nearest surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application.

Finally, it is not considered the proposed development would result in detrimental impact upon pedestrian and highway safety in the vicinity of the site.

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**Consequently, whilst the concerns raised by the objectors are acknowledged, the proposal would be compatible with surrounding land uses and is generally considered to be in accordance with the relevant local and national planning policies. The application is therefore recommended for approval.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to the Planning and Development Committee for final determination as the scheme proposes five or more dwellings, and because 95 no. letters of objection and a petition signed by 204 no. people have been received following the consultation process.

## **APPLICATION DETAILS**

Full planning permission is sought for the demolition of the existing St Anne's Church building and adjacent community hall, and for the construction of 18 no. self-contained flats in their place. The development would comprise the following:

- 15 no. 1 bedroom apartments;
- 3 no. 2 bedroom apartments.

The proposed site layout indicates that a single, 'L' shaped building would be sited along the northern and western boundaries of the site, occupying approximately half of the plot, with communal amenity and parking areas to the rear. The building would comprise a mixture of two and three storeys, with the north-western corner being three storeys in nature and the flanks either side being of two storeys. It would be finished in a mix of natural stone and render with blue/black roof tiles, and casement style windows with various traditional details throughout in an attempt to blend with the character of the surrounding, traditional terraced dwellings.

The rear parking area would be accessed off Station Road to the north and would accommodate 18 no. off-street parking spaces and a communal bin store at the entrance.

Members are advised that amended plans were received on 07/02/19 which detail the existing boundary wall along the western boundary of the site would be demolished and rebuilt between 0.3m and 1.5m back in to the site to allow for a 2m wide footway along the site frontage without the need to extend in to the adjacent highway. The amendments were made following objections being raised by the Council's Transportation Section to the original site layout whereby the 2m wide footway would have extended in to the adjacent highway, narrowing its width.

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

## **SITE APPRAISAL**

The application site is a roughly rectangular parcel of land, amounting to approximately 0.13ha, that is currently occupied by St Anne's Church and an associated community hall building. The church is located centrally within the plot, occupying the majority of the plot, with the smaller community hall sited to the southern side. The church building is of an attractive design incorporating various traditional features throughout. It is constructed of natural stone with a slate tiled roof. The adjacent hall building is of a more utilitarian design, being added much later, and is finished in render and concrete roof tiles. The site is enclosed on all sides by stone boundary wall. St Anne's Church is not listed but is referred to as part of the Royal Commission on the Ancient and Historical Monuments of Wales database. It is therefore recognised as having historical merit and local significance.

The site fronts the footways along both Station Road (north) and Church Terrace (west) and is bounded by service lanes to the south and east which provide access to the rear gardens of the adjacent residential properties within Church Terrace, William Street and Station Road. The A4233 Porth Relief Road (the main bypass through the valley) is located directly to the front. The surrounding area is residential in nature, primarily comprising linear rows of traditional terraced dwellings. It is noted however that a number of standalone larger and more modern buildings are located throughout.

## **PLANNING HISTORY**

No previous planning applications have been submitted at the site.

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification, site notices and a press notice. 95 no. letters of objection from surrounding residents and petition signed by 204 no. people have been received, making the following comments (summarised):

- The existing building is attractive and has historic local significance. It should not be demolished. There are many community uses that could occupy the building.
- The proposed three-storey development would not be in-keeping with the character of the surrounding area. Further, the amount of development would lead to overdevelopment of the plot.
- The proposed flats will overlook the adjacent, existing properties.
- The proposed building would overshadow the adjacent, existing properties.
- The number of units at the site would result in noise and disturbance to surrounding residents.
- The communal bin store could result in vermin being attracted to the site which would have a detrimental impact upon existing, surrounding residents.
- The surrounding streets are narrow and congested with vehicles parked on the highways, especially when the nearby football pitch is in use. There is

insufficient off-street parking provision at the proposed development. Consequently the proposed development would exacerbate the existing situation.

- The surrounding streets are narrow and cannot cope with the traffic associated with the existing properties in the area. This can be dangerous for both pedestrians and drivers. 18 no. properties at the site would increase traffic in the area and would exacerbate these issues.
- The widening of the pavement along Church Terrace, resulting in the narrowing of the highway, would have a significant impact upon highway safety here.
- Construction traffic associated with the proposed development works would inconvenience and disturb surrounding residents.
- The proposed building would be located directly adjacent to the busy Porth bypass road. As such future residents would be subject to noise pollution.
- The additional residential units would put further pressure on existing local facilities such as doctors, dentists, etc.
- The proposed flats would put pressure on the existing water supply and drainage infrastructure in the area.
- The development would obstruct views from surrounding properties.
- The development would result in property values in the surrounding area being reduced.
- Various wildlife is present on the site. Their habitat would be removed if the development goes ahead.
- The local schools may not be able to cope with the potential number of extra pupils.
- Given the historic nature of the existing church, have approaches been made to local museums such as St Fagans with a view to the building, or important features being retained/restored?
- Are there not restrictive covenants on the land that would stop the site being used for any use other than a church?
- There is already a considerable number of social housing units and flats in the village, many of which are currently empty. As such there is no need for further flats at this site.
- Occupiers of social housing cause a number of anti-social behaviour and crime issues. More social housing in the village would exacerbate existing problems.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions.

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

Flood Risk Management – no objection, subject to condition.

Countryside, Landscape and Ecology – no objection.

Housing Strategy – no objection.

Education and Inclusion – no objection and no financial contribution required.

Play and Community Facilities – no objection and no financial contribution required.

Glamorgan Gwent Archaeological Trust – no objection, subject to conditions.

Natural Resources Wales – no objection.

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

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

Western Power Distribution – no objection.

South Wales Police – no objection, subject to conditions.

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

## **POLICY CONTEXT**

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

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

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area

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

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

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

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

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

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

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

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

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

**Policy NSA10** – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

**Policy NSA11** – seeks a provision of 10% affordable housing on sites of least 10 no. units or more within the Northern Strategy Area.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### **Supplementary Planning Guidance**

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

### **National Guidance**

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

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

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

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;

- PPW Technical Advice Note 24: The Historic Environment.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

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

Full planning permission is sought for the demolition of the existing St Annes Church building and adjacent community hall, and for the construction of 18 no. self-contained flats in their place, each to be occupied as affordable housing.

The application site is located within the defined settlement boundary of Ynyshir and is unallocated. Further, the proposed use of the site for residential purposes would not conflict with surrounding land uses. As such the proposal meets the relevant criteria set out in Policies AW1 and AW2 which aim to support residential development on unallocated land within settlement boundaries. Additionally, the site is located near the Retail Centre of the village and a number of public transport links. As such it is considered the site is located within a sustainable location and therefore complies with the primary objectives of Policies AW2 and NSA12 which aim to support sustainable development. Furthermore, the proposed development would make use of a Brownfield site which is promoted by Policy CS2.

It is also noted that the RCT Joint Housing Land Availability Study (2018) calculates the current supply to be 1.4 years, a deficit of 3.6 years against the minimum required by national policy. As such the proposed development would go some way to increasing the Authority's housing land supply. Additionally, the proposal is compliant with Policy NSA10 in that it proposes development which exceeds 35 no. dwellings per hectare (138 no.), and Policy NSA11, entailing 100% affordable housing which the Council's Housing Strategy team have commented would provide a form of accommodation that would provide local people who live and want to remain in Ynyshir with greater variety in their housing options. The Housing Strategy team also noted that whilst Ynyshir has not habitually been the highest housing need area within the County Borough, the most recent Local Housing Market Assessment (LHMA) did identify a moderate shortfall of certain unit types, which this scheme has been specifically designed to address. Within Ynyshir there is currently an identified need for:

- 3 x one bedroom flats for social rent;
- 1 x one bedroom adapted property;
- 1 x two bedroom adapted property.

Therefore, in providing 15 no. one bedroom flats, 1 no. of which would be adapted, and 3 no. two bedroom flats, 1 no. of which would be adapted, the scheme would meet

all of the identified need in the village, whilst also providing some sustainability with a number of additional units. As such, whilst the comments raised by the objectors stating that further social housing in the village is not required, it is considered the scale of the scheme can be justified based on housing need evidence in the area.

Finally, the proposed site layout and floor plans illustrate that the flats would have reasonable natural light and outlook, access fronting Church Terrace, a sufficient bin storage area, and a well overlooked car park. The proposal therefore generally complies with the principles of the Council's adopted Supplementary Planning Guidance: Development of Flats.

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

### **Visual Impact**

The scheme proposes the demolition of the attractive existing church building and the construction of a block of 18 no. apartments in its place. The existing building is recorded in the National Monument Records of Wales, which has affiliation to and is funded by Cadw, and therefore has recognised historical merit and local significance. However, it is not listed or sited within a conservation area and the developer would therefore not require planning permission to demolish it, subject to following the relevant prior notification process. Consequently, whilst the demolition of the church building is regrettable and its conversion preferred, and whilst the comments received from local residents in this respect are acknowledged, it is not considered that its demolition and replacement with an appropriate development would have a significant enough impact upon the character and appearance of the locality to warrant refusal of the application. Further, the building has been vacant for some time with no intention to reintroduce a church use, and therefore without development will likely fall in to disrepair in the near future which could result in the amenities of surrounding residents being affected. As such the key consideration in respect of visual impact is whether the proposed development would be of an appropriate design and scale for the site; would be in-keeping with character and appearance of the surrounding area; and would have regard to the current visual appearance of the attractive and historic building it would replace.

With the above in mind, the proposed site layout indicates that a single, 'L' shaped building would be sited along the northern and western boundaries of the site, with communal amenity and parking areas to the rear. The proposed building would be of a similar footprint to that of the buildings it would replace whilst leaving adequate space to the rear for amenity and parking areas. As such the application site is considered capable of accommodating a building of the scale and footprint proposed, along with its associated parking and amenity areas, without leading to overdevelopment of the plot.

It is acknowledged the proposed building would comprise a three storey element and the existing church building and majority of surrounding properties are only two storeys in nature, which will inevitably result in prominent feature being created at the site.



However, the three storey element would be restricted to the north-western corner of the plot only where it is considered it would appear as a natural close of both Church Terrace and Station Road, which is a typical feature seen in many traditional terraced streets throughout the County Borough where larger buildings are located at the end of terraces. Furthermore, whilst obviously larger in terms of overall mass, the three storey element would be of a similar height to the bell tower of the existing church and it is therefore considered it would not result in having an overly dominant effect. Additionally, the building would address the footways along both Church Terrace and Station Road, following the general building line of both streets, and would be finished in mix of natural stone and render with blue/black roof tiles, as well as casement style windows and various other traditional details such as gables, quoins, string courses and window heads/cills throughout, which would ensure the structure is generally in-keeping with the character and appearance of the surrounding, traditional terraced dwellings, and has some regard to the traditional character of the existing church. Finally, the existing rubble stone wall surrounding the site would be retained which will further ensure some of the site's existing character remains following development.

Therefore, in conclusion, whilst the loss of the existing building is regrettable and it is accepted the scheme will inevitably result in a considerable alteration to the current character and appearance of the site and its immediate surroundings, the scheme would be typical of many modern housing developments in the County Borough and it is considered that the proposed development would appear as an appropriate infill between the existing streets to the north, south and east. Consequently, whilst the concerns raised by the objectors in respect of visual impact are acknowledged, the proposal is generally considered to be in accordance with the relevant planning policy in this respect.

### **Residential Amenity**

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

The plot is currently occupied by a large church building and associated, smaller community hall unit. As such, whilst it is accepted a degree of noise/disturbance would have occurred as a result of its past use, the introduction of 18 no. residential units at the site will inevitably result in an intensification of use. However, whilst intensive in respect of the number of units and the associated comings and goings and general noise and disturbance normally associated with residential use, the application site is located directly adjacent to the main bypass road through the valley where a considerable degree of noise/disturbance already occurs and which surrounding neighbours would have become accustomed to. As such it is not considered the relative increase in disruption generated by the proposed development would result in an unacceptable impact to the amenities of the existing surrounding residents in these terms.

With respect to the proposed building itself and the potential impact it may have upon the existing neighbouring properties, the proposed site layout indicates that a minimum distance of approximately 13m would be maintained between the front elevation of the

proposed building along the northern boundary of the site and the southern side elevation of the adjacent property to the north, 12 Church Terrace. Therefore, with this element of the proposed building being three storeys in nature, the proposed structure will inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by the occupiers of the adjacent property. However, whilst this will be the case, and it is acknowledged the adjacent dwelling has a number of habitable windows within its southern side elevation, the three storey element of the building at this location would form only a small element of the overall structure and this type of relationship is typical of many similar new developments throughout the County Borough. As such it is considered the separation distances are acceptable and the potential impact would not be significant enough to warrant refusal of the application.

Furthermore, whilst a separation distance of only approximately 6m would remain between the proposed building and the adjacent property to the south, 13 Church Terrace, this element of the proposed building would form a side elevation with no habitable windows and would be only two storeys in nature. It is consequently considered that the relationship between this element of the proposed building and the adjacent property to the south would be typical of any buildings constructed side by side, and would not result in a significant impact.

With respect to any potential impact the proposed building may have upon the amenities of the occupiers of the properties to the rear of the site, a separation distance of approximately 17m would remain between the rear elevation of the proposed building and the western side elevation of nearest adjacent property along Station Road, no. 18; and a separation distance of over 30m would remain between the rear elevation of the proposed building and the rear elevations of the adjacent properties along William Street. As such it's not considered any undue impact would occur to these properties.

A number of residents have commented that the proposed communal bin store could result in vermin being attracted to the site, and in turn to the surrounding properties. Whilst these comments are acknowledged, communal bin stores are common features of such developments and are promoted by SPG: Development of Flats and the Council's Waste Services Section which both require bin storage areas to be within 12m of the adopted highway for health and safety reasons during collection. Therefore communal bin stores are considered to be the most appropriate method of refuse storage for these types of development, and their location at site entrances are generally considered the most suitable location. Furthermore, providing they are appropriately managed, which is outside of the remit of planning, this should not result in any impact to surrounding residents.

Finally, it is acknowledged the proposed residential units would be located in close proximity of the adjacent bypass road and therefore potential future occupiers may experience a degree of noise and disturbance. In this respect a noise assessment report has been submitted with the application that identifies that a sound monitoring was undertaken at the site and that subsequent detailed assessments of the suitability of the site, in accordance with the relevant British Standards, has also been undertaken. The report concluded that the adjacent highway may result in some impact to future residents, but the impact would not be significant and that the development would meet the requirements of the relevant British Standards in respect of noise, providing a number of sound proofing measures are introduced. The

Council's Public Health and Protection Division have considered the noise assessment report and commented that it is an appropriate assessment and the conclusions are acceptable. As such no objections are raised but it is suggested a condition be attached to any consent ensuring the mitigation measures set out in the noise assessment report are implemented on site.

Therefore, in light of the above, whilst the concerns raised by the objectors in this respect are acknowledged and it is accepted a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by nearest surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. Consequently, on balance, the application is considered acceptable in this regard.

### **Highway Safety**

As detailed above, Members are advised that the Council's Transportation Section originally raised objections to the scheme as it proposed a 2m wide footway be created along the western boundary of the site, within the adjacent Church Terrace, reducing its already substandard width. In light of the objections the applicant submitted amended plans on 07/02/19 which proposed the existing boundary wall along the western boundary of the site be demolished and rebuilt between 0.3m and 1.5m back in to the site to allow for a 2m wide footway along the site frontage without the need to extend in to the adjacent highway.

Following consideration of the amended plans the Transportation Section removed their objections, subject to a number of relevant conditions being added to any consent. Therefore, whilst it is noted that a number of concerns have been received from local residents in respect of highway safety, the scheme is considered acceptable in this regard.

In their assessment of the scheme the Transportation Section commented that the site is served off Station Road and Church Terrace. Station Road is acceptable for safe vehicular and pedestrian access, and whilst there is some concern that Church Terrace is sub-standard in width for two large vehicles to pass one another directly outside of the site, the likelihood of two large vehicles having to pass one-another at this location is slight. Further, whilst there is some concern regarding the current lack of width for safe pedestrian movement along Church Terrace with primary access proposed, the developer has proposed to relocate the existing boundary wall and widen the footway to 2m which is acceptable for safe pedestrian movement and overcomes the previous concerns.

It was also noted that there is slight concern that the visibility from Station Road out on to Ynyshir Road to the right is sub-standard for a 30Mph speed limit however taking account Ynyshir Road has a lesser traffic flow than previously experienced due to the new by-pass, this alone would not warrant a highway objection.

With respect to parking, the Transportation Section commented that in accordance with the Council's adopted Supplementary Planning Guidance: Access, Circulation and Parking, the proposed 18 no. 1 and 2 bedroom apartments require up-to a maximum of 36 no. off-street car parking spaces for residents and 4 no. visitor spaces, taking the total required to a maximum of 40 no. off-street spaces, with only 18 no.

provided. However, the SPG also states that affordable housing generally requires a lesser car parking requirement than private dwellings and therefore the off-street car parking provision in these instances can be reduced to 1 no. space per apartment with short term visitor parking taking place on street, taking the total requirement in this instance to 18 no. spaces. Consequently the off street parking provision is considered acceptable.

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

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

### **Public Health**

No objections have been received from the Council's Public Health and Protection Division. They did however suggest a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Ecology**

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

In light of these issues a relevant ecology survey has been submitted with the application which details that a single common pipistrelle bat roost was found in the south west corner of the church building. The report also details however that this is clearly a minimum bat roost, with no maternity roost present, and therefore the demolition of the building would unlikely impact upon the population of bats. However a European Protected Species Licence (EPSL) from Natural Resources Wales (NRW) would be required prior to any works starting on site.

The Council's Ecologist has assessed the report and commented that it has been undertaken to appropriate standards and the conclusions are reasonable. As such no objections are raised but a condition is suggested to ensure that a replacement roost is installed on site to mitigate the loss of the existing roost.

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

### **Land Drainage and Flood Risk**

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

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

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

### **Education Provision**

Following assessment of the proposal the Council's Education and Inclusion Section has commented that the nature of the proposed development, primarily 1 bedroom flats, would unlikely result in any impact upon the education provision within existing local schools. As such no concerns are raised or financial contributions in this respect necessary or requested.

### **Play and Community Facilities**

Following assessment of the proposal the Council's Play and Community Facilities Section has commented that the nature of development, primarily 1 bedroom flats, would unlikely result in any impact upon the play and community facility provision within local area. As such no concerns are raised or financial contributions in this respect necessary or requested.

### **Historic Land Uses**

Comments received from the Glamorgan Gwent Archaeological Trust (GGAT) indicate that the Historic Environment Record, curated by GGAT, shows that whilst there are no archaeological features recorded within the site, it is located within the Rhondda Registered Landscape of Special Historic Interest (HLW (MGI) 5), and within character area HLCA017 Ynyshir. Consequently the church building is considered to be of historical and cultural significance and is important in the streetscape of Ynyshir. Therefore, whilst no objections are raised to its demolition, a condition is

recommended to ensure the structure is formally preserved by record prior to demolition.

### **Other Issues**

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

### **Neighbour Consultation Responses**

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

- It is noted that objectors have commented that occupiers of social housing generally cause more anti-social behaviour and crime issues than those occupying private properties and that more social housing in the village would exacerbate existing problems. Whilst these comments are acknowledged, no evidence has been offered to substantiate this view and any present issues caused by the behaviour of existing local residents have no bearing on the behaviour of potential future occupiers. As such this issue cannot be taken in to consideration during the determination of this application.
- Objectors have commented that the additional residential units would put further pressure on existing local facilities such as doctors, dentists, etc. Whilst there may be some merit to this point, no evidence is offered to support this claim or that there is any demonstrable need for further healthcare provision in the area.
- It is noted that a number of objectors have queried whether the Church in Wales or developer have approached local museums with a view to the building, or important features being retained/restored, and whether there are restrictive covenants on the land that would stop the site being used for any use other than a church. Whilst the loss of the attractive church building is regrettable, any future restorations/donations would be a private matter for the land owner to determine, as would any legal covenants.
- With regard to the issues raised by objectors in respect of the value of existing properties in the locality being reduced and views from neighbouring properties being obscured, these are not material planning considerations and cannot be taken into account during the determination of the application.

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

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

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

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

Planning Policy Wales advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's adopted Supplementary Planning Guidance: Planning Obligations.

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

### **Community Infrastructure Levy Liability**

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones and proposes 100% affordable housing where a £nil charge is applicable. Therefore no CIL is payable.

### **Conclusion**

Whilst the loss of the existing historic building is regrettable and it is accepted the scheme will inevitably result in a considerable alteration to the current character and appearance of the site and its immediate surroundings, it is considered the proposed building would form an attractive feature within the locally and a natural rounding off Church Terrace with Station Road. Furthermore, it is considered the use of appropriate, traditional design features and finishing materials will ensure the resulting building is generally in-keeping with the character and appearance the surrounding area.

Additionally, whilst it is accepted a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by nearest surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application.

Finally, it is not considered the proposed development would result in a detrimental impact upon pedestrian and highway safety in the vicinity of the site.

Consequently, whilst the concerns raised by the objectors are acknowledged, the proposal would be compatible with surrounding land uses and is generally considered

to be in accordance with the relevant local and national planning policies. The application is therefore recommended for approval, subject to the S.106 agreement set out above and the conditions detailed below.

**RECOMMENDATION: Approve, subject to Section 106 Agreement**

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- A001
- A002 Rev. C
- A003 Rev. B
- A004 Rev. B
- A005 Rev. B
- A006 Rev. B
- A007

and documents received by the Local Planning Authority on 19/12/18, 20/12/18 and 08/02/19 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought in to beneficial occupation until the drainage works have been completed in accordance with the approved plans.

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

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

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



5. No development works shall commence on site, including demolition and site clearance, until full details of the proposed precautionary and enhancement bat mitigation measures set out in the submitted Bat Report (Dusk to Dawn Ecology Ltd, October 2018) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation measures thereafter, and the mitigation shall be installed on site prior beneficial occupation of the first unit

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

6. No development works shall commence on site, including demolition and site clearance, until full details of the proposed sound proofing mitigation measures to be introduced set out in the submitted Environmental Noise Assessment (Acoustic Consultants Ltd, October 2018) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation measures thereafter, and the mitigation shall be installed on site prior beneficial occupation of the first unit.

Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

9. Notwithstanding the submitted proposed site layout plan (A002 Rev. C), prior to any works commencing on site, full engineering design and details of the

new 2m wide footway fronting Church Terrace and the vehicular crossover serving the car park shall be 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 of the first residential unit.

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

10. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for:
- a) the means of access into the site for all construction traffic;
  - b) the parking of vehicles of site operatives and visitors;
  - c) the management of vehicular and pedestrian traffic;
  - d) loading and unloading of plant and materials;
  - e) storage of plant and materials used in constructing the development;
  - f) wheel cleansing facilities;
  - g) the sheeting of lorries leaving the site.

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

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

11. Before the first residential unit hereby approved is brought into beneficial occupation, the means of vehicular and pedestrian access, together with the parking and turning facilities, shall be laid out in accordance with the submitted plan ref. A002 Rev. C and approved by the Local Planning Authority. The car parking spaces shall remain for the parking of vehicles only thereafter.

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.

12. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the LPA.

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

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