



PLANNING & DEVELOPMENT COMMITTEE

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0322/10 (GD)
APPLICANT: Coleg y Cymoedd
DEVELOPMENT: Construction of a sports centre.
LOCATION: COLEG Y CYMOEDD, HEOL Y COLEG, NANTGARW, CF15 7QY
DATE REGISTERED: 03/04/2020
ELECTORAL DIVISION: Ffynon Taf

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is considered acceptable and the proposal represents the opportunity to make full and effective use of an underused and near redundant area of land at a key location and to consolidate educational services on the one campus.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

The application seeks full planning permission for the construction of a sport centre, adjacent to and immediately south of the Coleg Y Cymoedd site in Nantgarw. The sport centre would comprise a total of 2248 square metres of floor space over one and two floors. The ground floor would comprise a four court activity space, gym, changing facilities, three teaching spaces, ICT suite, office, storage space, plant room and circulation space. The first floor will comprise a further five teaching areas, break out area and flexible space, with voids over the courts and gym area.

The building has been designed to distinguish between the activity areas and teaching areas. The main sports hall and gym will be finished in dark grey vertical seam metal cladding, with translucent polycarbonate cladding providing natural daylight to these areas. The gym will also have full height glazing on the buildings north facing elevation. It is also intended that the translucent polycarbonate lighting units will also have large sporting decals applied to them to help identify the building and add dynamism to its

appearance. The teaching unit will wrap around part of the northern and western side of the proposed structure and will be differentiated from the activity areas through it being built in grey brick with projecting brick cills and heads around the windows along with shading fins. In terms of dimensions the building would have maximum dimensions of 63.7m x 30.65m with the teaching block having a maximum height of 7.65m and the sports hall and gym a maximum height of 9.35m. both elements will be to all intents and purposes a flat roof construction though the sports hall will have wind catchers projecting 0.5m above the main roof. A small cycle/bin store will also be provided to the west of the main building. It will have dimensions of 6m x 4m and will stand 3m high. The structure will have a flat roof and be built in the same brick as the teaching block element of the proposed development.

The building will be positioned towards the north east of the plot which will allow the balance of the plot to facilitate ancillary functions such as the car parking and the proposed sustainable urban drainage systems which will comprise a combination of attenuation ponds and rain gardens. These areas will be appropriately landscaped and the boundaries beyond particularly on the western side of the site will have existing tree and hedgerow planting strengthened.

The plot occupies a key location at the entrance to Parc Nantgarw and as such is well served by the existing highway network. Vehicular access to the site is served via the existing turning head on Heol Y Coleg which will be extended into the site with a new turning head formed at its southern extremity. A total of 12no. parking spaces will be provided on site including 4no disability standard spaces. The proposals also involve the improvement of pedestrian and cycle routes adjacent to the site principally along Heol Y Coleg and Heol Crochendy. Cycle parking facilities will also be provided as part of the development adjacent to the entrance to the building on its northern elevation.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement;
- Pre Application Consultation Report;
- Site Investigation & Coal Mining Risk Assessment
- Flood Consequences Assessment;
- Stage 3 Civil Engineering Report;
- Travel Plan;
- Transport Statement;
- Traffic Management Plan;
- Construction Method Statement;
- Drainage Strategy Report;
- Ecology Report Update; and,
- Environmental Noise Survey

SITE APPRAISAL

The application site is a substantial plot of land of irregular shape located at the southern end, and entrance to, Parc Nantgarw and Treforest Industrial Estate.

Measuring some 1.31 hectares, the site is undeveloped and relatively flat. The site is flanked by the existing highway network on its eastern and western boundaries (Heol Crochendy & Oxford Street respectively) with the access road to the existing Coleg y Cymoedd building being located to the north (Heol y Coleg). Although the site does not have any formal access, an existing turning head facility is provided off Heol y Coleg.

The surrounding area is characterised by a mix of industrial, office, educational, residential, entertainment and leisure, and food and drink uses. A children's day nursery is located at the north-western corner of the site and is allied to the modern Coleg y Cymoedd educational building to the north. Access to both of these facilities is off Heol y Coleg.

There are a number of residential properties located to the west and north of the site (Oxford Street and Rhyd Yr Helyg) though an established area of trees along the western boundary largely screens the site from view.

PLANNING HISTORY

15/0441	Land at Heol Coleg, Parc Nantgarw, Cardiff	Erection of Petrol Filling Station, forecourt and canopy, convenience store with Subway and 2 ATMs, 3 jet washes, 2 service bays, underground fuel tanks. Starbucks Drive Thru Coffee Shop, Mother Hubbards Fish and Chip Shop, parking and landscaping. 24Hours.	Refused 24/01/17
08/1753	Parc Nantgarw, Nantgarw	Office development with associated car parking, external works, soft landscaping and access road. Vary condition 9 (ground conditions) & 12 (engineering details of the road layout) of planning permission 06/0200	Approved 23/01/09
06/0200	Parc Nantgarw, Nantgarw	B1 office development, circa 3,730 sq.m. (40,150 sq.ft) net internal area (NIA), with associated car parking, external works, soft landscaping and access road. (Amended site location plan and site	Approved 19/12/06

layout plan received
15/11/06)

Related application

16/1329	Coleg Morganwg, Heol Crochendy Treforest Industrial Estate, Taffs Well. CF15 7QX	Erection of new four court sport centre	Approved 02/03/17
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PUBLICITY

The application has been advertised by means of press notice and neighbour notification letters and this has generated no submissions of objection or concern from local residents.

Officers were unable to display a site notice due to the Coronavirus (Covid 19) outbreak and the related restrictions placed on movement. Whilst it cannot be assumed that the posting of site notices would not have generated any comment from members of the public, those likely to be most impacted by the proposed development have all been consulted directly by letter. In any event, the level and extent of advertisement undertaken is compliant with the requirements of The Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

CONSULTATION

Transportation – No objections subject to appropriate conditions being applied to any planning permission issued

Flood Risk Management – Raise no objections to the proposed development subject to conditions.

Public Health & Protection – Raise no objections on the basis of the potential noise impacts of the proposed development subject to conditions to limit the opening hours of the proposed facility and there being no playing of amplified music at the premises. The applicants have undertaken a desk top study of the contamination issue and further contamination conditions will be required for any planning permission issued.

Structural Engineer – Advises that the site investigation report submitted with the planning application is acceptable and adequate

Countryside Section – Recognise the supporting ecological information as a competent and informed body of work, also encourage further work around securing ecological betterment for the site.

Natural Resources Wales – Express significant concern with regard to the planning application but raise no objection subject to the inclusion of conditions relating to flood risk and contamination being included in any consent that might be issued.

Welsh Government (Highways) – The Welsh Government as Highways Authority for the A470 Trunk Road does not issue direction in respect of this application.

Dwr Cymru Welsh Water – No objections subject to conditions

Western Power Distribution – Any new connection or service diversion will require the separate permission of WPD.

Wales & West Utilities – No response received during the statutory consultation period.

Coal Authority – No objections, the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

South Wales Police – No response received during the statutory consultation period

South Wales Fire & Rescue Service – No objections subject to the applicants making available adequate water supplies for firefighting purposes and creating access suitable for fire fighting vehicles

Glamorgan Gwent Archaeological Trust – As the archaeological advisers to your Members, we have no objections to the positive determination of this application.

Caerphilly CBC – Have expressed some concern at the capacity of the development to generate additional traffic within their area and for the potential development to have an adverse impact on air quality.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services in the southern strategy area.

Policy CS8 – promotes the development of sustainable transport infrastructure across the county borough.

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

Policy AW4 – sets out the requirement for section 106 agreements where appropriate

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

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

Policy AW8 - aims to preserve and enhance the natural environment

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, air pollution, noise pollution, light pollution, contamination, landfill gas, land instability or water pollution.

Policy SSA20 – identifies the site for the provision of park and ride/park and share facilities.

Policy SSA27 – sets out the types of uses that are appropriate for the Treforest Industrial Estate/Parc Nantgarw area.

Supplementary Planning Guidance

The following are considered relevant Supplementary Planning Guidance in this case:

- Access, Circulation and Parking;
- Design and Placemaking;
- Nature Conservation;
- Employment Skills
- Planning Obligations.

National Guidance

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

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being 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 defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 managing new development.
Chapter 2 achieving wellbeing through placemaking
Chapter 3 strategic and spatial choices.
Chapter 4 active and social places
Chapter 5 productive and enterprising places
Chapter 6 distinctive and natural places.

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 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;

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.

The application proposes the construction of a new college building which would be utilised as a sports centre of excellence, in association with the existing college campus to the north of the site

Main Issues:

The main issues in the determination of this planning application are the principle of the proposed development and particularly how that relates to planning policy in this case the potential impact from flooding, the impact of the proposed development on the character and appearance of the area, impacts on residential amenity, access and highway safety and the impacts on the ecology of the area

Principle of the proposed development and planning policy

The key question in terms of planning policy and the principle of development itself in this instance is whether or not the site is suitable and appropriate for education related development in a planning policy context.

For the purposes of the Local Development Plan the application site is located within defined settlement limits in the southern strategy area, and within the Treforest Industrial Estate/Parc Nantgarw boundaries. The first requirement of planning policy at the local and national level is that such proposals should represent a sustainable form of development and this is principally defined at the local level by the requirements set out in LDP Policy AW2. The proposed development is clearly sustainably located as it lies within settlement limits as defined by the Local Development Plan, and would not conflict with the varied established uses round about, (educational facilities in the form of the college are already located immediately north of the application site). The development would have good access to key services and facilities and is accessible by sustainable modes of transport with the current proposals also promoting improvements to adjacent walking and cycling provision. Furthermore, it also has to be kept in mind that the proposed facility would serve the students of the college who currently have to travel to use such facilities and this requirement will be removed by the development improving the sustainability of the educational offer at the site overall.

Though the allocation within the defined industrial estate does not specifically allow for the provision of educational facilities, favouring conventional industrial and

commercial uses and associated ancillary functions, the establishment of the college building at the site sets a strong precedent and an acceptance that educational uses are appropriate in this location despite the strict policy position. This issue was considered by the Inspector at the time the Local Development Plan was under examination (the planning application for the college building having been submitted at that time), and the appointed Inspector found that there was no particular conflict with the policy position with the college proposals. Furthermore, in this respect, the location of the college and the proposed sport centre at the southern entrance of the wider estate and the uses adjacent to it, which are varied, would not make any argument against the proposals on the basis of policy SSA27 of the Local Development Plan a sustainable one, particularly as the development itself would also provide employment opportunities.

Local Development Plan Policy SSA20.2 allocates the site for the provision of park and ride/park and share facilities. This issue was also explored at the time proposals for the construction of the original college buildings were considered and when the Local Development Plan was under the consideration of an Inspector. The outcome was that as long as the park and share/park and ride facilities could be accommodated outside of the operational times of the college then there would be no conflict with the policy requirement. Additionally in more recent years the emergence of the South Wales Metro project has forced a re-evaluation of this type of facility which makes provision of park and ride facilities at this site far less likely in the longer term.

Planning Policy Wales 10 (PPW 10) places sustainability through placemaking at the heart of the planning process in Wales. In terms of the key chapter headings the proposals score well in terms of what they would be and where they are, particularly when measured against the matrix at Annex B to Planning Policy Wales 10.

Spatially the proposed development would prove an entirely appropriate addition to the existing facility improving the educational offer with a well-designed fit for purpose sporting and educational facility. The overall design though muted through the use of darker materials represents a legible building that will vastly improve the appearance of a key site at the entrance to the estate. The building will fit well with and at the same time be distinct from those immediately around it.

As an educational facility the proposed development would draw in students from the surrounding area who otherwise would need to travel further to gain the education that they want and the proposals address that need. The proposals have been designed to accommodate this with associated sustainable transport improvements around the site. The development of the sport centre will also mean that students do not have to travel elsewhere to pursue their curriculum. The proposals reduce the need to travel and improve sustainable transport options in and around the site. The improvement that the proposed development would bring would also represent a substantial economic investment in the area adding substantially to its educational infrastructure.

The proposed development, though located on C1 floodplain, aims to deal with water through the use of a sustainable drainage system through the creation of settlement ponds and rain gardens which will balance water output from the site. The drainage proposals will also have the added benefit of improving and supporting the biodiversity of the area. The siting of the proposed building towards the north east of the plot would

be instrumental in delivering this and in minimising the impact of the proposals on the nearest residential properties.

Planning Policy Wales 10 (PPW 10) sets out five key planning principles for development as follows –

- Growing our economy in a sustainable manner
- Making best use of resources.
- Facilitating accessible and healthy environments
- Creating and sustaining communities
- Maximising environmental protection and limiting environmental impact

It is considered that the proposed development satisfies these requirements insofar as they relate to this particular proposal. The proposals will grow the educational sector of the economy adjacent to an existing education site which in itself is sustainable and is more so in that this proposal will reduce the need to travel for existing students. The proposal makes effective use of a vacant area of land adjacent to the existing facility which represents potentially the best use of what would otherwise be considered a remnant land resource. The proposed development would be fully accessible and by design would have to be compliant with the requirements of the Equality Act and part M of the Building Regulations and it promotes a healthy environment through the associated improvements to sustainable transport that the development will make. By improving sustainable access arrangements and by removing the need for students to travel and providing educational opportunities for many closer to home the proposed development would also facilitate sustainable communities. The proposal also maximises environmental protection through the opportunity for the development of the site to deal with any residual contamination associated with the previous use and through its demonstrated capacity to adequately deal with drainage and flood risk issues. At the same time environmental impact is minimised in a number of ways through the design of the building itself and in the use of muted external finishes.

Impact on the character and appearance of the area

The existing character of the site whilst not one of dereliction is one of neglect with the site presenting an unkempt appearance that is at some contrast with the wider locality. The template for character and appearance is set by the wider area which comprises for the most part substantial modern buildings, mostly less than 20 years old of size and proportion similar to the current proposed development. Similarly the use of materials round about to a large extent reflects those proposed for the new building though admittedly the proposed building will have a more muted appearance. The exception to this is the residential development at Oxford Street and Rhyd Y Helyg which lie to the north and west of the site and comprise traditional two storey dwellings with the former 19th century traditional stone built properties and the latter more modern mostly former social housing finished in render. The proposed building and importantly in this case the associated works, would have a positive impact on the character and appearance of the area. A vacant site at a key location at the entrance to the Industrial Estate and Parc Nantgarw would be transformed with a key building at an appropriate scale, design and appearance whilst at the same time maintaining and respecting the nearby residential property which it will be clearly separate and

distinguishable from, this aspect being aided by the drainage scheme and boundary improvements. The proposal is considered to be compliant with the requirements of Local Development Plan policies AW5 and AW6 insofar as they relate to the current proposals.

Impact on residential amenity and privacy

The proposed development sits principally at the entrance to an area of mixed use development that is largely industrial/commercial in nature. The nearest residential properties are those located at Oxford Street and Rhyd Y Helyg to the north and west of the application site. At the time of preparation of this report no observation or objection have been received from any local residents. Moreover, in this instance it also has to be kept in mind that the site lies in an area that is largely industrial and commercial in nature where residents should not necessarily expect the level of amenity and privacy experienced in conventional suburban areas. In order to minimise the effect of the built form of the new building on established residential property the building has been placed towards the north eastern corner of the plot. This allows for the south western corner of the building to be some 34m from the site boundary and the outer edge of the access road to be some 29.75m from the site boundary at the nearest point to the residential property on Oxford Street. Beyond the boundary there is a distance of some 51.5m to the boundary of No.1 Oxford Street. Rhyd Y Helyg is further away at approximately between 110m and 120m distant from the site boundary and views of the proposed building would be blocked to a large extent by established development and planting.

As a sports centre the building will not be a generator of pollution in a conventional sense though it does have the capacity to generate noise through its use. The application is fully supported with a Noise Assessment and this has been subject to independent scrutiny by the Public Health & Protection Division of the Council. No objections are raised on the basis of noise subject to conditions restricting the hours of operation and barring the use of amplified music. However these are matters that are more effectively covered by other legislation and it is not considered appropriate to add such conditions in respect of the current planning application.

As such the application is considered to comply with regard to policies AW5 and AW10 insofar as they relate to the issues identified above.

Access and highway safety

The application has been the subject of consultation with the Transportation Section who have given full consideration to the supporting evidence and information submitted in respect of the following –

- Pedestrian and cycle access
- Parking
- Cycle parking
- The availability and frequency of public transport to serve the proposed development.
- Traffic survey and analysis
- Trip generation

- Traffic impact assessment
- Accident data analysis and;
- Construction transport management plan

Having considered the above detail and finding it to be sound, the Transportation Section conclude that the current proposals would have only a limited impact on the current arrangements and would enhance cycle infrastructure and bus stops in the vicinity of the site promoting sustainable travel in accordance with PPW10. Taking into account the fact that the proposals are to be used in conjunction with the existing Coleg Y Cymoedd facility the proposals are considered acceptable subject to conditions being applied to any planning permission that might be issued. As such the proposals are considered to be compliant with Local Development Plan policies CS8 and AW5 inasmuch as they relate to this particular aspect of the proposed development.

Flood Risk Management

Natural Resources Wales (NRW) have expressed concerns over the application with regard to the flooding issue. Specifically, this relates to exceedances identified in relation to Annexe A1.15 of Technical Advice Note 15 in the 1 in 1000 year flood scenario where depths of water and the velocity of flow exceed the prescribed upper limits. The issue here is therefore whether the proposed development is acceptable given the exceedances identified. The tests for acceptability of proposals on the floodplain are set out in paragraph 6.2 of the Technical Advices Note. It is clear from the submission that the proposal represents the regeneration of the site and it can also be perceived as part of the wider regeneration of the Parc Nantgarw site. Similarly the proposal will provide employment opportunities for local people sustaining the education sector of the local economy. The site is also clearly compliant with the requirements of Planning Policy Wales 10 (see above) and can be considered previously developed land as it was initially part of the Nantgarw colliery grounds and was subsequently subject to a some reclamation.

The issue though turns on whether the consequences of a flooding event have been considered and whether they can be managed down to an acceptable level so that development is considered acceptable in terms of Sections 5 and 7 of the Technical Advice Note. Section 5 of the Technical Advice Note does not specifically identify the proposed development as highly vulnerable development though clearly it has many of the characteristics of it. Whilst the best intention would be to steer this development away from the floodplain, in this instance that is clearly not possible given that the college and its associated nursery have already been established on adjacent land. Consequently, it is for the applicant in their Flood Consequences Assessment to highlight what the proposals do to address this issue. In this instance there is a full suite of details identified as follows; -

- The slab level of the proposed building and its operational area would remain dry in the 1 in 100 year plus 25% flood event scenario.
- The use of solid slab ground floors and low permeability floor coverings.
- External walls designed and constructed with acknowledgement of potential hydrostatic and hydrodynamic pressures and forces in flood events up to and including the 1 in 1000 year flood event scenario

- Walls constructed in materials with low potential for water penetration good drying ability and good retention of pre flood integrity.
- Electrical fittings fixed as high as reasonably practical within the building
- Non return valves fitted to all drainage infrastructure.
- The development will provide compensatory flood storage for the space that would be lost to the proposed building.
- The college to develop a flood warning and evacuation plan including signing up to NRW's flood warning service

On the basis of the above and subject to appropriate conditioning it is considered that the proposed development satisfies the requirement to effectively flood proof the development insofar as they are able to.

Members will note that subject to conditions Dwr Cymru Welsh Water have raised no objections to the proposals. In this instance though the use of the suggested condition is not justified on the basis that in any event the developer will need to secure a SuDs consent from the Council. It is considered appropriate though that a note be attached to any consent issued that Dwr Cymru Welsh Water will only accept foul drainage into their established sewer system.

The Council's Flood Risk Management Section have considered the proposals in detail with particular regard to the implications of the proposals for surface water flooding. They have concluded that the principle of the sites discharge rates is acceptable from a flood risk from surface water perspective. Any further concerns in respect of surface water flood risk management can be resolved through the separate application the developer will have to make for a SuD's approval.

Ecology

Though the site presents an uncared for appearance, the application is supported by an Ecology Report and update having considered this the Council's Ecologist advises that the mitigation and enhancement measures suggested in the report alone would not be sufficient to show mitigation for habitat loss or enhancement. However, the submission of the subsequently revised landscape plan for the site along with planning condition to secure maintenance of the ecologically important areas of the site will offer the desired mitigation and ecological enhancement.

Other Issues:

The following other material considerations have been taken into account in considering the application, these are not key determinants in the case but are matters that Members should be aware of when making a decision and in the case of the comments on the Section 106 agreement offer some explanation.

Members will note from the planning history above that under planning permission 16/1329 the applicants have the benefit of a live consent for the construction of a four court sport centre elsewhere within their grounds. The applicants acknowledge and accept that there is no justification or need for the provision of both sports facilities in such close proximity to each other and have indicated a willingness to surrender the earlier consent should Members be of a mind to support the current proposals. The

appropriate mechanism for achieving this would be the S106 agreement binding the two sites such that if development is commenced on one site then the other site cannot be developed for the otherwise consented development. The Section 106 agreement will also aim to deliver the agreement and implementation of an employment skills training plan in accordance with the adopted Supplementary Planning Guidance Employment and Skills adopted in June 2015. This will provide local people with the opportunity to engage in developing a pathway towards a skilled occupation and secure employment.

With regard to the contamination issue both Public Health & Protection and NRW...have indicated that the detail submitted to date is acceptable but there is a need for further assessment and indeed work to ensure that contamination does not present a long term problem for the development or the land around it. As such additional conditioning is recommended by both.

Caerphilly CBC have raised some concern at the possibility for the proposed development to increase traffic and add to air pollution in their area. As has been pointed out by the Transportation Section having given full consideration to the Transport Assessment and other supporting information the increases in traffic brought about by the development would be slight or negligible and unlikely to have any meaningful impact on either issue as a result

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.

Section 106 Contributions / Planning Obligations

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

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

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

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to

make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this instance there is a need to reconsider the appropriateness of an earlier full planning permission for a sports hall approved under planning application 16/1329 as it would not be appropriate to put the college in a position where they could implement two planning permissions for effectively the same development on different parts of their site, this the applicant accepts. The mechanism for addressing this is outlined above. Therefore, if Members are minded to support the current proposal it will be necessary to agree with the developer that only one of the options comes forward for development through a Section 106 legal agreement as described above. There is also a requirement to agree an Employment Skills Training Plan as per the Supplementary Planning Guidance referenced above.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the development of this brownfield site within settlement limits as defined by the Local Development Plan. Furthermore, the applicants have been able to demonstrate the proposals are acceptable in terms of impact on the highway network and that the proposals can deal with all other key issues that currently affect the site including flooding and contamination. This site also has the potential to make a small but noticeable contribution towards addressing the educational deficiencies and constraints that the college currently faces and as such, support is offered for the proposed development in the following recommendation.

RECOMMENDATION: Approve Subject to a Section 106 agreement

RECOMMENDATION: Grant

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

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

2. Other than for works of site clearance, decontamination and site preparation, no development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be

retained together with measures for their protection during the course of development.

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

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

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

4. Other than for works of site clearance, decontamination and site preparation, no development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

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.

5. Other than for works of site clearance, decontamination and site preparation, building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

6. 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:

- a) 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.
- b) 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.

7. The building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 6 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.

8. 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.

9. The sports facility hereby approved shall not be occupied otherwise than in association with the main Coleg Y Cymoed campus.

Reason: To prevent the creation of a separate unit. To ensure satisfactory off-street car parking and cycle facilities are provided and retained thereafter.

10. Notwithstanding the submitted layout plan, full engineering design and details of improvements to Bus Stops on Heol Crochendy including widening the existing footways to 3.0m facilitating shared pedestrian/ cycle use and linking to the existing active travel routes shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site (with the exception of works of site clearance, remediation and preparation). The approved details shall be implemented prior to the beneficial occupation of the development hereby approved.

Reason: To ensure that the site can be suitably accessed by using sustainable modes of transport.

11. Notwithstanding the submitted plans, other than for works of site clearance remediation and preparation development shall not commence until full engineering design and details of the private access road including its tie in with Heol Y Coleg together with sections and surface-water drainage 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.

12. Notwithstanding the submitted plans, other than for works of site clearance, remediation and preparation, development shall not commence until full engineering design and details of revised parking layout to facilitate commercial vehicles / bus parking within the curtilage of the site 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 use.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

13. 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;

- the means of access into the site for all construction traffic,
- the parking of vehicles of site operatives and visitors,
- the management of vehicular and pedestrian traffic,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel cleansing facilities,
- 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.

14. Surface water run-off from the proposed parking areas shall not be connected to the public highway unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety.

15. The permission hereby granted relates to the following plans and documents

- Site location plan drawing no. SCE-ASL-00-ZZ-DR-A-0900 Rev P05
- Existing block plan drawing no. SCE-ASL-00-ZZ-DR-A-0901-Rev P03
- Existing site sections drawing no. SCE-ASL-00-ZZ-DR-A-0905 RevP03
- Site layout drawing no. SCE-ASL-00-ZZ-DR-A-0910 Rev P05
- Proposed site sections drawing no. SCE-ASL-00-ZZ-DR-A-0915 Rev P03
- Proposed block plan drawing no. SCE-ASL-00-ZZ-DR-A-0911 Rev P03
- Roof GA drawing no. SCE-ASL-00-ZZ-DR-A-0102 Rev P07
- First floor GA drawing no. SCE-ASL-00-ZZ-DR-A-0101 Rev P07
- Ground floor GA drawing no. SCE-ASL-00-ZZ-DR-A-0100 Rev P07
- GA elevations drawing no. SCE-ASL-00-ZZ-DR-A-0110 Rev P05
- GA sections drawing no. SCE-ASL-00-ZZ-DR-A-0120 Rev P05
- Landscape general arrangement drawing no. SCE-ASL-00-ZZ-DR-L-0900 Rev.P8
- Hunter acoustics – environmental noise survey March 2020
- Hydroc – Flood Consequences Assessment March 2020 document reference: 13703-HYD-XX-XX-Rp-FR-P05
- Hydroc cut & fill strategy flood compensation plan revision P05 25th March 2020, drawing no. SCE-HYD-XX-00-DR-C-1100 Rev P05
- Terra Firma – Geotechnical & Geoenvoronmental Report February 2020
- Terra Firma – Coal Mining Risk Assessment March 2020

Reason: For the avoidance of doubt as to the approved plans and documents or the extent of the consent hereby granted.

16. Prior to the first occupation/use of the development hereby approved there shall be submitted to and agreed with the Local Planning Authority a flood emergency plan for the development hereby approved.

Reason: In order to minimise the risk to life and property from an extreme flooding event in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. Prior to the first occupation of the building hereby approved, and as part of the landscaping proposals for the site the developer shall provide a long term management and aftercare programme for the site that will maintain and enhance the ecological value of the site, such details to be agreed in writing with the Local Planning Authority. The programme shall be adhered to through the lifetime of the building unless the Local Planning Authority gives its written consent to any variation.

Reason: In order to preserve and enhance the biodiversity of the locality in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
- d) Persons responsible for:
 - i. Compliance with legal consents relating to nature conservation;
 - ii. Compliance with planning conditions relating to nature conservation;
 - iii. Installation of physical protection measures during construction;
 - iv. Implementation of sensitive working practices during construction;
 - v. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi. Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

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