

## **PLANNING & DEVELOPMENT COMMITTEE**

**4 AUGUST 2022**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1602/10 (JE)  
**APPLICANT:** Primrose Home Developments Ltd  
**DEVELOPMENT:** Demolition of existing buildings relating to the former school and erection of 5 detached dwellings together with associated works including engineering, drainage and landscaping. (Additional Plans received 04/03/22)  
**LOCATION:** **FORMER PORTH JUNIOR SCHOOL, PRIMROSE TERRACE, PORTH, CF39 9TH**  
**DATE REGISTERED:** 02/12/2021  
**ELECTORAL DIVISION:** Porth

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#### **RECOMMENDATION: APPROVE**

#### **REASONS:**

The proposed five dwellings would be of an acceptable design, layout and scale, and would make use of this unallocated site within the settlement boundary. It is considered that the development would not unduly affect the amenity or privacy of the closest neighbouring occupiers and no harm has been identified to highway safety. Consequently, the application is considered to comply with the relevant policies of the Local Development Plan.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received

#### **APPLICATION DETAILS**

Full planning permission is sought for the construction of 5 detached dwellings together with associated works including engineering, drainage and landscaping at Former Porth Junior School, Primrose Terrace, Porth. To accommodate the proposed

development the proposal would also see the demolition of the existing school buildings and associated structures which are currently in place at the site.

The layout of the site would see the 5no. dwellings located parallel to the existing properties at Primrose Terrace orientated roughly north east – south west. The dwellings would benefit from an area of off street parking to the front and a private amenity space at ground floor level to the rear. Access to the dwellings would be via an internal private drive that would utilise the existing vehicular access from Primrose Terrace.

The 5no. dwellings would be matching in design and scale and would appear as three storey on their front elevation and two storey to the rear. The proposed dwellings measure a width of 14.7 metres by a maximum depth of 11.5 metres taking into account a ground floor rear projection. The proposed dwellings would have a dual pitched roof design with gable ends on their side elevations measuring a maximum height of 8.5 metres sloping to 5 metres at the eaves on the rear elevation. On the front elevation the proposed dwellings would measure a maximum height of 11.3 metres sloping to 7.6 metres, this elevation would also include 2no. gable features.

The proposed dwellings would provide accommodation over three floors with a double garage on the lower ground floor, snug, office, wc and open plan kitchen/dining/living room on the ground floor and 4no. bedrooms and 2no. bathrooms on the first floor.

The application is supported by:

- Bat Survey
- Tree Survey

## **SITE APPRAISAL**

The application site relates to the former Porth Junior School which consists of a large 1960s building located at the northern end of Primrose Terrace, approximately 280m to the east of Porth Town Centre. Most of the surrounding development is residential.

The building is of steel and concrete construction and occupies the north-eastern end of the long site, which encompasses a surface area of approximately 0.52 hectares. Vehicular access is currently provided via a tarmac driveway, the site also benefits from a secondary pedestrian access from Penrhiwgwynt Road to the north.

The adjoining ground, formerly laid out as areas for play and sport, is mostly level, albeit that this has been achieved as the result of a large, long retaining wall and bank, necessary to manage the steep fall in level towards the south-west.

## **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notes displayed at the site.

6 letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- Overlooking created by proposed dwellings
- Current arrangement at the site results in vegetation overhanging properties at The Parade
- Potential Impacts upon retaining wall along The Parade particularly during the construction period
- Drainage issues affecting properties along The Parade
- Concerns in relation to waste removal
- Lack of information with regard to drainage
- Safety concerns associated with drop from boundary of the site with properties along the Parade.

## **CONSULTATION**

**Transportation Section:** No objection subject to conditions.

**Countryside (Ecology):** No objection subject to conditions.

**Structural Engineer:** No objection subject to condition.

**Natural Resources Wales:** No objection as submitted but request that an informative is attached to any planning permission setting out the requirement for a bat licence.

**Public Health and Protection:** No objection although conditions suggested in relation to noise, dust, waste and lighting.

**Flood Risk Management (Drainage):** No objection raised although conditions suggested in relation to surface water drainage.

**Dwr Cymru/Welsh Water:** No objection subject to conditions.

**South Wales Fire & Rescue:** recommends that the developer incorporate measures in relation to water supplies and access for emergency vehicles.

## **POLICY CONTEXT**

**Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021 it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Porth and isn't allocated for a specific purpose.

**Policy CS1** - Development in the North: seeks to build strong, sustainable communities. This will be achieved through promoting residential development in locations which reinforce the roles of the Principle Towns and Key settlements.

**Policy AW1** - sets out the criteria with regard to new housing developments.

**Policy AW2** - seeks to ensure that development is in sustainable locations

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

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

**Policy AW8** - seeks to preserve and enhance the County Borough's natural environment and heritage. This include SINC designations. Development proposals will only be permitted where they would not cause harm to the features of the SINC subject to criteria.

**Policy AW10** - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

**Policy NSA12** - requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

#### Supplementary Planning Guidance

- Delivering Design and Place-making
- Access, Circulation and Parking Requirements
- Planning Obligations
- Nature Conservation

#### National Guidance

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

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 5 – Nature Conservation and Planning  
PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18 – Transport

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

**Main Issues:**

## **Principle of the proposed development**

Full planning permission is sought for the demolition of the existing school buildings and construction of 5no. dwellings and associated works at the Former Porth Junior School, Porth. The site is located inside the defined settlement boundary, within the ward of Porth in the Northern Strategy Area. The site is unallocated brownfield land, the site of the Former Porth Junior School, with no other designations affecting the site.

National planning policy supports residential development within defined settlement boundaries and within/close to retail centres, where residents can utilise existing facilities. Local planning policy is also supportive of residential development inside defined settlement boundaries, in order to protect the culture and identity of communities.

In particular, Policy CS1 promotes the *reuse of under used and previously developed land and buildings*. Whilst the principle of residential development is considered to be acceptable within defined settlement boundaries, it is acknowledged that the contribution of five dwellings to the land supply is minimal but welcome within this area.

The site is within the defined settlement boundary and would be a short walking distance from the key services and facilities within the retail centre of Porth. From there the site would also be accessible by sustainable transport modes including bus, train, foot and bicycle, and in terms of Policy AW2 can be considered a sustainable location.

In principle therefore, the development would be considered acceptable, subject to justification in terms of density

## **Impact on the character and appearance of the area**

The layout illustrates that the proposed dwellings would be arranged in a linear pattern, in line and parallel with the adjacent development at Primrose Terrace. This would reflect the nature of the surrounding dwellings, albeit that the new properties would be at a higher level than those to the along Primrose Terrace.

The proposed dwellings are large in scale in comparison to surrounding development. However, they would be set within reasonable sized plots with parking and turning facilities to the front and private amenity spaces to the rear and it is therefore considered that the site is physically large enough to accommodate the five dwellings of the scale proposed.

Although neighbouring properties are predominately Victorian terrace and semi detached dwellings there are a number of existing of similar developments of detached dwellings coexisting with traditional terraced properties throughout the surrounding

area. As such, it is not considered that they would appear out of keeping with the surrounding area.

Furthermore, the redevelopment of the site will result in a positive impact upon the character and appearance of the site which is currently vacant and is unkept in appearance. As such, it is considered that the proposals will not detract from the character or appearance of the area and are considered acceptable in this regard.

### **Impact on residential amenity and privacy**

The objectors raise concerns in relation to the loss of privacy of properties along The Parade created by overlooking from the proposed dwellings. Whilst this point is noted, when considering the separation distance between the properties with the distance between front and rear property lines varying between 21.2 metres and 30.1 metres, it is not considered that the proposal would result in any adverse impact upon the existing levels of privacy experienced by occupiers along The Parade. In addition, the development would see the construction of a boundary fence along this boundary that would provide additional screening to neighbouring residents and address safety concerns raised in relation to the change in levels.

With regard to properties along Penrhiwgwynt Road to the North, these properties are significantly elevated above the application site and largely screened by existing vegetation. As such, it is not considered that the proposal results in any adverse impact upon these properties.

When considering the impact upon the closest neighbouring property along Primrose Terrace No.1. Given its relationship with Plot 1 which is separated by approximately 17 metres and is location to the side of the dwelling and at an oblique angle, the development is not considered to result in any significant impact upon the amenity of the occupiers of this property.

Further to the above, whilst it is accepted a degree of noise/disturbance would inevitably occur from the proposed development, any potential impact would be typical of such a residential use and is considered to be a betterment to the previous use as a school.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highway Safety and Parking Provision**

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application with regard to highway safety and parking provision. The following response was received:

Primrose Terrace which provides access to the site has a carriageway width of 7.8m with footways which vary in width between 1.6m-1.8m on the development side. However, there is high-on-street car parking demand narrowing the available carriageway width due to the nature of terraced dwellings with limited or no off-street car parking provision. There is also concern that there is no formal turning area on Primrose Terrace with the proposed development increasing vehicular movements by up-to 10 trips per dwelling (50) trips. However, taking into account the previous use which would have generated substantial vehicular movement at pick up and drop off time with the proposed resulting in minimal peak trips the proposed is acceptable.

There is existing road marking (School Keep Clear) in place along a number of streets surrounding the site which requires removing. It is developer's responsibility to bear the cost of removing the yellow bar markings to the satisfaction of the Council as Highway Authority.

The internal layout provides for a 4.5m carriageway with sufficient turning area as demonstrated with swept path analysis for HGV turning movements which is acceptable and accords with Rhondda Cynon Taff's Design Guide.

In accordance with the Council's SPG Access, Circulation & Parking the proposed 5no x 4 bed dwellings require up-to a maximum of 3 off-street car parking spaces with a minimum of 3 per dwelling provided on the driveway and under-croft garages.

Due to the location of the existing school and high on-street car parking demand at pick up and drop off a condition limiting HGV delivery and exit times from the site during construction has been suggested.

The proposed development of 5 dwellings accords with the council's SPG requirements with highway geometry in accordance with the Rhondda Cynon Taff Design Guide and therefore acceptable subject to a number of conditions.

The proposed will marginally increase peak trips along Primrose Terrace which is heavily congested with on street car parking. However, taking into account the previous use of the site which generated considerable amount of vehicular movements at peak times on-balance the proposed is acceptable.

## **Ecology**

Due to the demolition works involved, the application has been supported by a Bat Survey. This report sets out that the existing building has a small number of day roosting common pipistrelles and indicates that a European Protected Species licence will be required to conduct the works in addition to the granting of planning approval. No objection to the report or its findings has been raised by the Council's Ecologist or Natural Resources Wales following consultation.



The report also includes details of ecological mitigation and enhancement measures in Section 6. The Council's Ecologist requests that all measures set out in this section should be conditioned.

### **Structural Engineer**

During the consultation period, the objectors raised concerns with regard to the impact of the development upon the existing retaining wall along the boundary with The Parade. As such, consultation was undertaken with the Council's Structural Engineer. In their response to the proposals the Structural Engineer set out that a condition should be attached to any consent requiring the submission of sections through the existing wall with typical photos of the wall, proposed ground level profile and a statement from a suitability qualified engineer to justify the existing wall from any increased loads. In addition, this information should also take into account the imposed loads of construction traffic and plant working adjacent to the wall.

### **Drainage**

The objectors have raised a number of points in relation to drainage issues associated with the proposed development. Whilst these concerns are noted no objection has been raised during consultation with the Council's Flood Risk Management Team or Dwr Cymru. Whilst these consultees have requested conditions in relation to surface water drainage, it is considered that as this matter is controlled under separate SAB legislation an informative note have been included in their place.

### **Public Health and Protection**

The Council's Public Health and Protection Division suggested a number of conditions with regard to Hours of Construction, Dust, Waste and lighting. Whilst these comments are appreciated, it is considered that these matters could be dealt with more efficiently under separate legislation. As such, it is considered that an appropriate informative note would be sufficient instead.

### **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 application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

### **Conclusion**

It is considered the proposal would not have a significant impact on the character and appearance of the locality or upon the residential amenity of the surrounding neighbouring properties. Furthermore, the development would benefit from acceptable highway access. The application is therefore considered to comply with Policies AW1, AW2, AW5, AW6, AW10 and NSA12 of the Local Development Plan.

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan numbers

- R598-01-A1 – 02/12/21
- R598-01-A4 – 02/12/21
- R598-02-A1 – 02/12/21
- R598-03 A1 – 04/03/22
- R598-04-A1 – 04/03/22
- R598-05-A1 – 04/03/22
- R598-09-A1 – 04/03/22

and documents received by the Local Planning Authority on 02/12/21 and 04/03/22, 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. Before the development is brought into use the means of access, together with the parking and turning facilities, shall be laid out in accordance with the submitted site plan R59B-03 REV A1 and approved by the Local Planning Authority. The private shared access and turning shall remain for use as a shared use for residents and visitors thereafter.

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

4. Notwithstanding the submitted plans, development shall not begin until design and details of the private shared access including its tie in with Primrose Terrace and surface-water drainage details have been submitted

to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

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

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

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

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

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

6. No lorries during construction shall access or leave the site between the hours of 08:15-09:15 am and 14:45-15:45pm on weekdays.

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..

7. Prior to beneficial occupation of the new dwellings a scheme for the removal of zig zag 'School Keep Clear' road markings in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall take place until details of the existing retaining wall along the boundary with The Parade have been submitted to and approved in writing by the Local Planning Authority. This information shall include sections through the existing retaining wall with typical photos of the wall, a

proposed ground level profile and a statement from a suitability qualified engineer to justify that the existing wall is capable of accommodating any increased loads taking into account the all aspects of proposed development and any imposed loads of construction traffic and plant working adjacent to the wall.

Reason: In the interest of safety of neighbouring residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. 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.

10. All planting, seeding or turving 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.

11. The development hereby approved shall be carried out in accordance with the recommendations and enhancements set out in Section 6 of the BE Ecological, Bat Survey dated November 2021.

Reason: To create suitable habitat for protected species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence 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 dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Details, including samples, of the materials to be used in the construction of the dwellings shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

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.