

PLANNING & DEVELOPMENT COMMITTEE

18 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1440/15 (JE)
APPLICANT: Mr D Owen
DEVELOPMENT: Variation of condition 1 - time limit of planning permission 12/0367/10. (Bat Structures Inspection and Ecological Assessment Received 04/03/22)
LOCATION: CHURCH HALL OFF LLYS TYLCHA FAWR, TONYREFAIL
DATE REGISTERED: 04/03/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: APPROVE

REASONS:

Full planning permission has been previously granted for dwellings on the site and no significant changes in policy or material considerations have occurred since the original permission was granted to warrant a refusal.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

The application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 1 of the previously approved planning consent (12/0367/10) relating to the construction of 6no. dwellings at Church Hall off Llys Tylcha Fawr, Tonyrefail.

Condition 1 of the permission is as follows:

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.

The current planning application seeks to renew the earlier consent and extend the time period within which the planning permission may be implemented.

The application proposes the development of three pairs of semi-detached dwellings: 4no. two bedroom and 2no. three bedroom dwellings.

The dwellings on plots 1-4, would measure 4.45m wide, 9.75m deep with a maximum height of 7.6m falling to 5m at eaves level. Internally the properties would include a living room, kitchen-diner and toilet at ground floor level with two bedrooms and a bathroom at first floor level

The dwellings on plots 5 and 6 would measure 5.5m wide, 10.65m deep with a maximum height of 7.9m, falling to 5m at eaves level. The dwellings would provide a kitchen-diner, living room and toilet at ground floor level with three bedrooms, an ensuite and bathroom at first floor.

Externally the dwellings would be finished with render elevations with timber clad detailing on the front and rear elevations at ground floor level and concrete roof tiles. Each property would benefit from enclosed front and rear gardens.

Properties 1 and 2 would be orientated to face west over what is known locally as Doctors Hill, with units 3-6 orientated with the front elevations facing north overlooking the rear elevations of the properties 56, 56A, 58 High Street and the Tonyrefail Rugby Club premises. A minimum distance of 19m would be maintained between the front elevation of the proposed dwellings and the rear elevations of the properties along High Street to the north. A minimum distance of 5.9m would be maintained between the rear and side elevations of the proposed dwellings and the rear boundary garden walls/ garages of the properties in Prichard Street to the south.

The application proposes the development of 10 off street parking spaces. 5 spaces would be provided to the rear of numbers 4-6 with vehicular access gained off the rear lane to the south of the site. The plans submitted indicate that numbers 5 and 6 would each benefit from a private space within their curtilage with the three remaining spaces accessed via a new set of steps. The plans indicate that the southern access lane would be enlarged to provide a 5m wide carriageway. Five further parking spaces would be provided to the north of the proposed dwellings on land to the rear of number 56, 56A and 58 High Street. Vehicular access to these spaces would be via the existing rear lane that serves the existing dwellings and rugby club. The lane would be enlarged to provide a 5.5m wide carriageway and 1.2m wide pavement along the southern side. An on-site vehicle turning area would also be provided.

Due to the changes in levels across the site, the finished floor level of properties 5 and 6 in the eastern part of the site would be set approximately 2m above the floor level of numbers 1 and 2 in the west and approximately 2.15m above the level of the rear lane to the south.

SITE APPRAISAL

The site comprises an irregular shaped parcel of land with an area of approximately 0.12 hectares, located to the south of High Street and the north of Prichard Street, Tonyrefail. A former church hall is currently located in the western part of the site with an area of open, unmaintained ground to the east. The site is unallocated and within the settlement limits of Tonyrefail East. The surrounding area is positioned on a slope falling steeply from north to south and more gently from east to west. As a result the site is set below the lower ground floor level of the properties along High Street and is raised in comparison to those within Prichard Street.

The boundaries of the site are defined by the rear lane that serves the residential properties in High Street and the Rugby Club to the north, the gardens and boundary features of the properties in Parkland Crescent to the east, the rear lane access that serves the properties in Prichard Street to the south and the pavement and highway known locally as Doctors Hill to the west.

At the time of inspection the existing building appeared to be in use as an office for an electrical company and their associated external storage.

The surrounding area is a mixture of residential development, with terraced and semi-detached dwellings and flats all evident.

PLANNING HISTORY

The most recent planning applications on record associated with this site are:

08/0188/13: THE CHURCH HALL, CROSS STREET, TONYREFAIL CF39 9SS
To demolish church hall and develop the site for residential use. (outline planning application) (amended plans received 17/04/08)
Decision: 19/08/2008, Grant

09/0534/10: TONYREFAIL RUGBY FOOTBALL CLUB, 60-62 HIGH STREET, TONYREFAIL, PORTH, CF39 8PH
Balcony to rear of club at ground level.
Decision: 20/07/2009, Refuse

12/0367/10: CHURCH HALL OFF LLYS TYLCHA FAWR, TO THE REAR OF 54-64 HIGH STREET, TONYREFAIL
Demolition of existing Church Hall and construction of 6 new dwellings (amended description received 20/11/2014, amended plans received 01/12/2014)

Decision: 02/12/2016, Grant

PUBLICITY

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

No letters of objection have been received following consultation.

CONSULTATION

Transportation Section: No objection subject to the re-imposition of previous planning conditions.

Public Health and Protection: No objection to the proposed extension of time.

Flood Risk Management (Drainage): No comments to the variation of condition application.

Dwr Cymru/Welsh Water: No objection to the variation of conditions. We ask that any drainage conditions on the original consent are brought forward.

The Coal Authority: No objection raised.

Countryside (Ecology): No objection following submission of Bat Structures and Ecological Assessment.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that 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 4th 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 4th 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 24th 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 Tonyrefail and isn't allocated for a specific purpose.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

Policy AW1 - sets out the requirements for new housing development and the methods by which the provision of new housing will be met. AW1.3 refers directly to the development of unallocated land within the defined residential settlement boundaries of principal towns, key settlements and smaller settlements.

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

Policy AW4 – advises that planning obligations may be sought to make the proposal acceptable in land use planning terms.

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 placemaking, including landscaping.

Policy AW8- requires applications to be accompanied by appropriate ecological surveys and appraisals in the interest of preserving and protecting the area's natural heritage.

Policy SSA4 – advises that proposals for residential and commercial development within the key settlement of Tonyrefail will be permitted subject to certain criteria.

Policy SSA11 – recommends a housing density of 35 dwellings per hectare unless a lower density is necessary to protect the character of the area or the amenity of existing and future residents.

Policy SSA13 – sets out the criteria for the consideration of development proposals within settlement boundaries

Supplementary Planning Guidance

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- 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 all 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.

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 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

The applicants is seeking to renew the earlier consent and extend the time period within which the planning permission may be implemented. In such circumstances it is appropriate to consider whether there has been any change in policy or any other material circumstance that might affect the proposal; however, it is not appropriate to challenge the heart of the consent itself.

The Local Development Plan (LDP) remains the key policy consideration in this application however, national policy has changed with the publication of PPW11 and Future Wales – The National Plan 2040. Whilst there has been changes to national policy since the approval of the previous application, there is still a clear emphasis for residential development in sustainable locations and within defined settlement boundaries.

Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Tonyrefail. It is therefore still considered to be a highly sustainable location and the proposal is still considered to be acceptable in principle. Furthermore, the extant consent for 6no. dwellings is considered to carry significant weight and, when balanced against the absence of a change in circumstance at the site and lack of objections from consultees, the greater weight lies in favour of granting approval for an extension of the timescale in which works can start.

Drainage

Since the approval of the original consent (ref. 12/0367), developments with a development area over 100m² are required to comply with Schedule 3 of the Flood and Water Management Act 2010 in that a separate Sustainable Drainage Systems (SuDS) application is required to be made to the SuDS Approval Body (SAB) prior to any development commencing. Whilst a drainage condition was imposed on the previous consent (as recommended by the Council's Flood Risk Management team and Dwr Cymru), it is now considered that the surface water flood risk will be adequately managed by Schedule 3 of the Flood and Water Management Act 2010 and also by Part H of the Building Regulations. It is therefore no longer considered necessary to add the relevant drainage condition to the consent, should Members be minded to approve the application.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40 / sqm for residential development.

The CIL charge (including indexation) for this development is expected to be £19,076.82.

Conclusion

Although there has been a change in national planning policy since the approval of the previous consent (ref. 12/0367/10), the main thrust of planning policy remains the same in that residential development is supported within sustainable locations and within defined settlement boundaries. Nothing has changed in terms of the position of the site in that it remains within the settlement boundary of Tonyrefail which is considered to be a highly sustainable location. As such, the proposal is still considered to be acceptable.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

RECOMMENDATION:

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

- Existing site location plan – Drawing No. PL001 Rev.2 12/10/2011
- Proposed site plan – Drawing No. PL002 Rev. 6 12/10/2011
- Proposed floor plans – Drawing No. PL003 Rev. 2 12/10/2011
- Proposed elevations – Drawing No. PL005 Rev. 3 12/10/2011

and documents received by the Local Planning Authority on 04/03/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. Building operations shall not be commenced until samples of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the 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

4. No development shall take place (other than works in relation to demolition and site clearance) 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 building is occupied. 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. Before the development is brought into beneficial use the means of access, together with the parking and turning of vehicles, shall be laid out in accordance with the submitted plan PL002 Rev. 6 and in accordance with materials that have first been approved in writing by the Local Planning Authority.

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

6. All planting, seeding and 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 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

7. Notwithstanding the submitted plans, development shall not commence until full engineering design and details of the road layout and improvements to the existing highways including sections, street lighting, surface water drainage, footways and highway structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

8. Prior to commencement of development, details of traffic management and wheel washing facilities shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, the approved details shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that mud and debris are not deposited from the construction site onto the public highway, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. HGV's used as part of the development shall be restricted to 9:00am to 16:30pm weekdays, with no deliveries on weekends and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of highway safety and to prevent overcapacity of the existing drainage system and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the commencement of development, a scheme for the management of construction traffic and for the provision of wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

12. Prior to the first occupation of any of the dwellings, a 2m wide footway and vehicle crossover shall be provided along the site frontage in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

13. 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 desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- 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.

- 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.

14. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme referred to in Condition 13 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.

15. 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.