



PLANNING & DEVELOPMENT COMMITTEE

21 FEBRUARY 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below

APPLICATION NO: 18/1182/10
(SF)
APPLICANT: Rhondda Housing Association
DEVELOPMENT: Proposed Residential Development, car parking and associated works. (amended plans and information received 30th January 2019)

LOCATION: BRYNCAE INDUSTRIAL ESTATE, BRIDGEND ROAD, BRYNCAE, LLANHARAN, CF72 9RP

DATE REGISTERED: 29/10/2018
ELECTORAL DIVISION: Brynna

RECOMMENDATION: Approve, subject to a S106 Agreement

REASONS: The principle of the proposed development is considered to be acceptable in planning policy terms and the redevelopment of this vacant site will bring an unused area of land in a sustainable location back into appropriate use and make a small but valuable contribution to increasing housing land supply.

Although two objections have been received, it is considered that the 22 additional units proposed will provide an appropriate extension of the previous residential scheme, will improve the appearance of the site within the immediate area and will not have an adverse impact on the amenities of nearby residential properties. The scheme will utilise the existing access and is not considered to affect highway safety

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

This is a full application for the re-development of the site to provide 22 affordable residential dwellings, car park and associated works on the land of the former Bryncae Industrial Estate, Bridgend Road, Llanharan. The development will comprise a mixture of 12no. houses and 10 flats and provide the following accommodation:

Block A – 4 x 1 bed apartments

Block B – 4 x 1 bed apartments

Block C – 1 x 1 bed apartment & 1 x 2 bed apartment (adapted unit)

House Type A - 4 x 3 bed dwellings

House Type B - 6 x 2 bed dwellings

House Type C – 2 x 4 bed dwellings

The development comprises an extension of the existing Phase 1 development which has been built partly fronting onto Bridgend Road (to the west of the Greggs / Co-op retail units) and then continues northwards to the rear of the Co-op car park. This Phase 2 development will utilise the existing access along Ffordd Y Gwaith Glo and then continue eastwards, wrapping around the existing retail development, with the Block B and C flats fronting onto Bridgend Road. Within the development, the dwellings located along the northern boundaries of the site backing onto Colliers Avenue and the majority those located along the eastern boundary backing onto Witts End respectively are all conventional 2 storey dwellings. Apartment Block B is located to the rear of no. 2 Witts End, also fronting onto Bridgend Road, however this remains a 2 storey building. The remaining apartment blocks (A and C) are located at the southern end of the site on land immediately to the east of the Co-op retail unit. The dwellings are designed to be traditional in character, following the design and materials used in Phase 1, with through render, timber style cladding details and stone cladding. The dwellings are orientated to front the internal access road and the apartments are designed to provide a principal elevation fronting both this access and Bridgend Road.

The means of vehicular access will be provided via Ffordd Y Gwaith Glo, the existing Phase 1 access from Bridgend Road, which will extend eastwards into a further internal access road, terminating in a cul-de-sac arrangement. This will provide access to private drives and curtilage parking to serve the dwellings and a parking courtyard to serve the apartments. The proposed development will deliver a total of 41 no. car parking spaces, including disabled and visitor parking spaces. A pedestrian access will also be provided at the south-east corner of the site directly onto the existing footpath along Bridgend Road, which will provide access from the development to the centre of Llanharan.

The supporting information advises that existing tree line located along the north and east site boundaries will be retained in order to help screen existing and proposed back gardens. An irregular area of land located adjacent to the south-west corner of the site is also shown to provide an open green space in the form of a Local Area Play (LAP) and this will be landscaped, together with garden and other communal areas. It is understood that the applicant, Rhondda Housing Association will be responsible for maintaining these landscaped areas.

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

- a) Planning Statement,
- b) Design and Access Statement,
- c) Pre application Consultation Report,
- d) Ecology Walkover Survey report,
- e) Tree Survey, Categorisation & Constraints Report,
- f) Drainage Strategy Statement and Associated Test Results,
- g) Flood Risk Assessment,
- h) Preliminary Ground Investigation Report,
- i) Report on Ground Investigation – containing Coal Mining Report.

Supporting information confirms that the applicant Rhondda Housing Association has identified the site as an ideal and sustainable development opportunity to provide much needed new affordable homes for the local area and is a logical extension to the local centre and first phase of residential development at the site.

The Design and Access Statement confirms that the vision for the development is to *'create a quality mixed use housing scheme that delivers a strong sense of place and community within the village of Bryncae. The development should aim to slot holistically into the wider context of the existing village and enhance the housing quality and offer in the area.'*

SITE APPRAISAL

The site forming the subject of this application extends to an area of approximately 0.65ha and is located within the identified settlement boundary fronting onto the A473 Bridgend Road. The site forms an irregular area of brownfield land, forming the remaining part of Bryncae Industrial Estate and is located adjacent to the recent housing estate developed by Rhondda Housing Association (Phase 1). This is accessed directly from the A473 Bridgend Road and provides a mixture of flats, houses, bungalows and adaptable units, with a number of retail units also provided fronting onto Bridgend Road, two of which are occupied by Greggs and Co-op. The remainder of the site is surrounded by existing residential housing including Colliers Avenue to the north, Witts End to the east and also on the opposite side of Bridgend Road.

The wider area is characterised by other established residential development and there are further residential facilities including a local convenience store and post office and a public house to the south and west. The A473 is a regular bus route and provides the site with links to the railway station at Llanharan and to junction 35 of the M4 to the south-west. The site is currently overgrown and unmaintained, with irregular levels and the remnants of demolished buildings present across the site. The northern and eastern boundaries are lined with trees and shrubs, which partially screen the site from surrounding residential development.

PLANNING HISTORY

A planning history search of the application site has identified that it has formed part of a larger site, which has been the subject of a number of planning applications relating to the Industrial Estate, however application / enquiries in respect of the current application site are as follows:

14/1655	Bryncae Industrial Estate, Bridgend Road, Llanharan	Residential development, new local centre, car parking and access (resubmission)	Withdrawn 01/04/15
13/1004	Bryncae Industrial Estate, Bridgend Road, Llanharan	Proposed residential development, new local centre, car parking and access	Allowed on appeal 17/02/15
07/1925	Bryncae Industrial Estate	Demolition of existing buildings, residential development, new access road & associated works	Approved 21/08/08
06/0174	Land at Duffryn Crescent	Residential development (max 5 houses)	Approved 12/05/06
05/1795	Land at Duffryn Crescent	Residential Development	Refused 19/12/05
04/0246	Bryncae Industrial Estate	44no. residential semi detached and detached houses, garages, roads drainage and associated works	Approved 20/01/05
03/0407	Land at Duffryn Crescent	20 x 2 person 1 bedroom flats	Withdrawn 14/07/08
95/0328	Bryncae Industrial Estate	Residential Development	Approved 01/08/95

PUBLICITY

The application has been advertised by means of a press notice, the direct notification of properties in the vicinity of the site and the display of site notices.

In response, **two letters of objection** have been received from properties in Witts End, opposing the proposed development on the following grounds:

- Loss of privacy – due to location of development only 4 metres from our boundary and windows from the flats looking directly into garden. The tree survey also suggests trees would require cutting back which would increase loss of privacy. Queries are raised as to whether these windows can be removed.
- Noise disturbance – having several families living just 4 metres away would bring substantial noise disturbances day and night with people coming and going from the flats. Also noise and disturbance caused by car park.

- Loss of daylight – our sunlight currently comes into the back garden in the afternoon - a 9 metre tall block of flats would obstruct sunlight and cast a shadow across garden / home.
- Light pollution – additional lighting for car park will light up rear of properties at night and cause interference with property.

CONSULTATION

Transportation Section – has raised no objections subject to the imposition of conditions to require full engineering details, the provision of parking areas and a construction method statement.

Land Reclamation and Engineering Section – has confirmed that whilst the applicant has provided a range of site investigation reports outlining the suitability of infiltration disposal within the confines of the site, no indicative drainage layout or calculations have been provided and a drainage condition is therefore requested.

Public Health and Protection Section - has raised no objections subject to conditions to control land contamination and soil importation and to protect future residents from noise associated with nearby commercial activities. General comments are raised in relation to demolition, noise, lighting and waste.

Dwr Cymru / Welsh Water - has raised no objection. It is advised that the applicant has been made aware that the public sewer system in the locality is currently at capacity and any further flows would cause detriment and increase the frequency and volume of spills currently being experienced. They are however liaising with the applicant's agent on the possibility of removing surface water from the public sewer network in order to accommodate the foul flows from the proposed development. A suitably worded condition and advisory notes are therefore requested.

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

Wales and West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site.

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

Countryside, Landscape and Ecology Section - the Council's Ecologist has advised that given that the site is cleared, the majority will have minimal ecological value. It has been identified however that there are various tree/scrub areas that provide a visual and ecological function and the submission of further information through a baseline ecological assessment is requested.

Coal Authority – initially raised an objection due to inadequate information / absence of a Coal Mining Risk Assessment. Following the submission of updated information

and re-consultation with the Coal Authority, it is anticipated that further comments will be available and be reported orally at the meeting.

Natural Resources Wales - following the submission of updated information and re-consultation with NRW, it is anticipated that further comments will be available and be reported orally at the meeting.

Structural Engineer - following the submission of updated information, it is anticipated that further comments will be available and be reported orally at the meeting.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is located within the settlement boundary of Llanharan as defined on the proposal's map and Policy SSA13 of the Local Development Plan.

Policy CS2 – advises that in the Southern Strategy Area, emphasis will be on sustainable growth, focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

Policy AW1 – identifies the method used to meet the housing land requirements of RCT, which includes the development of unallocated land within the defined settlement limits of Key Settlements.

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

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

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

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

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

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

Policy AW11 - provides for alternative uses on existing employment sites, subject to certain criteria, including the requirement to market the site for employment purposes.

Policy SSA6 - supports residential development within the key settlement of Llanharan which is of a high standard of design and integrates positively with the existing environment.

Policy SSA11 - requires a minimum net density of 35 dwellings per hectare in the southern strategy area.

Policy SSA12 - requires the provision of 20% affordable housing on sites of 5 units or more in the southern strategy area.

Policy SSA13 - supports residential development within defined settlement limits as long as the site is accessible by a range of sustainable transport modes, does not adversely affect the provision of car parking in the surrounding area and is not contaminated land or subject to land instability unless it is capable of appropriate remediation.

Supplementary Planning Guidance

SPG - Nature Conservation

SPG - Design and Placemaking

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

SPG - Employment and Skills

SPG - Planning Obligations

SPG - Development of Flats

National Guidance

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

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

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

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

Chapter 3 - Strategic and Spatial Choices (good design making better places, accessibility, new settlements and previously developed land);

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

Chapter 5 - Productive and Enterprising Places (transportation infrastructure and economic development);

Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network).

Paragraph 4.2.1 identifies that:

‘New housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities.’

Paragraph 4.2.2 goes on to advise that:

‘The planning system must:

- identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- focus on the delivery of the identified housing requirement and the related land supply.’

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The application site is located within the settlement boundary of Llanharan, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society’s future needs. The core strategy Policy CS 2 of the Rhondda Cynon Taf Local Development Plan (LDP) relating to development in the south, places an emphasis on providing sustainable growth and identifies the promotion and reuse of under used and previously developed land as one of the means of achieving this. In this case, the application relates to a previously developed area of land, which is surrounded by a mixture of residential and commercial development and the

principle of its redevelopment for residential purposes therefore complies with this core strategy, as well as the general presumption for developing previously developed land contained in other local and national policies.

In identifying sites in sustainable locations, Policy AW 2 also sets out a number of criteria to be taken in account including, supporting locations that are within the settlement boundary, that will not unacceptably conflict with surrounding uses and have good accessibility by a range of sustainable transport options and good access to key services and facilities. The site is located in close proximity to a number of local facilities and a number of sustainable transport options also exist including walking, cycling and bus services and as such, is considered to be acceptable in relation to the policy requirements of Policy AW2 and the general sustainability objectives of the LDP.

As the previous use of the site was for employment purposes, there is also a requirement under Policy AW11 for the applicant to demonstrate that the site is no longer required for employment purposes, which is designed to protect against the unjustified loss of employment land. Under this policy, provision is made for alternative uses subject to certain criteria, including that the retention of the sites for employment purposes has been fully explored without success by way of marketing at a reasonable market rate and a minimum of 12 months. In respect of this requirement, the application identifies that whilst the application has historically been used for Class B1 and B2 purposes, it is not allocated for employment purposes in the LDP and has now been cleared for redevelopment. It is also confirmed that prior to the time the previous application and appeal for Phase 1 were considered (13/1004 and 14/1655), the site had been actively marketed for employment purposes for around 3 years and therefore, that the site's potential for such uses was limited. Furthermore, it had been acknowledged that the current application site would come forward for residential use in the future.

Whilst no further marketing evidence has been submitted in respect of the current application site, it is accepted that at the time of the appeal in relation to Phase 1 (13/1004), the Planning Inspector agreed that the proposal met the requirements of Policy AW11 and that concerns in relation to the loss of employment land would not justify withholding planning permission. Since the time that application was determined, not only have the remaining businesses vacated the site, but all of the associated buildings have been demolished, the site has been cleared and residential units constructed under Phase 1. In these circumstances, it is considered less likely that the loss of the remaining employment land would have any harm to the local area or conflict with Policy AW11. Furthermore, Policy AW11 provides for alternative uses where the redevelopment of derelict, unsightly, underused and vacant land will have significant regeneration benefits. Therefore, taking into account the planning and appeal history of the adjoining site and the benefit that redeveloping the site will have on the appearance of the area, it is considered that this information satisfies the requirements of Policy AW11 in demonstrating that the principle of redeveloping the site for alternative uses is acceptable.

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

Impact on the character and appearance of the area

The application site currently consists of an unused brownfield site which, together with the adjoining Phase 1 development accommodated the Bryncae Industrial Estate. The majority of the land surrounding the site has however over the past 2 decades been redeveloped for residential uses and the re-development of this remaining part of the former industrial estate with the proposed residential development will not therefore be out of character in this context.

As previously identified, the residential dwellings and apartments have been designed to complement the development carried out at Phase 1 and a number of the individual house types have been replicated on the proposed Phase 2 scheme. The design of the remaining apartment units also reflect the layout, design features and materials used in Phase 1, so once complete, the two phases will be seen as one estate. It is not therefore considered that the proposed residential development will have any significant impact of the appearance of the area and with the presence of a well-established natural screen along the northern and eastern boundaries, which is proposed to be retained, the development will be screened from the surrounding established residential areas.

In conclusion, the proposed scheme will enable the development of the remaining part of the industrial estate with an appropriate residential use that will complement the surrounding residential estates and as such, is considered to comply with Policy AW6 of the LDP.

Impact on Residential Amenity

The proposed development will form a natural extension to the Phase 1 development recently undertaken by the applicant and the proposed design and layout of the scheme is considered to tie in well with the adjoining development. It is acknowledged that the location of the new residential units to the rear of existing properties in Terry's Way, Witts End and Collier's Avenue may give rise to some overlooking of existing properties and this is reflected in the consultation responses that have been received. On the northern boundary of the site, the distance of the new dwellings to the boundary range from approximately 3m to 8m and the nearest properties in Colliers Avenue are located at least 10m beyond and are generally located side on to the common boundary, therefore reducing the potential for overlooking. As the nearest property on plot 6 has the potential to overlook the gardens of properties to the north, the applicant has agreed that all of the first floor windows in the north elevation can be glazed with obscured glass. On the eastern boundary, the new dwellings are located approximately 10m from the boundary and with the intervening tree screen, are not considered to result in an unacceptable level of overlooking or loss of privacy. At the southern part of the site, the apartment Block B is located approximately 3m from the eastern boundary and whilst concerns have been expressed by residents regarding potential overlooking from the windows in the side elevations, the applicant has also agreed that all of the first floor windows can be obscured, which will reduce the potential for overlooking.

In respect of the other issues raised by residents, it is accepted that the location of the apartment Block B within 3m from the eastern boundary may result in some

overshadowing to the rear of properties in Witts End, however as the proposed building is located to the west, this would be restricted to late afternoon / evening. The presence of a number of existing trees located along the boundary would also currently have some overshadowing effect. It is accepted that some of the additional street lighting which will be incorporated as part of the new highway arrangement will be visible to existing residents, however this is not anticipated to be overly detrimental. Any supplementary lighting proposed for the car parking area can be controlled by a suitably worded condition. In relation to concerns over noise generated as a result of the proposed development, it is acknowledged that there is likely to be an increase in noise, particularly as the existing site has been vacant for a number of years. The proposed development is however limited to 22 units which are acceptably spaced across the site and it is not considered that the development will result in an unacceptable increase in noise levels, particularly when taking into account the commercial history of the site and its potential lawful use for general industrial purposes and it is therefore considered that the proposal will comply with Policy AW5 of the LDP.

Access and highway safety

The application is accompanied by details of the access and parking arrangements for the proposed development which utilises the existing internal estate road Ffordd Y Gwaith Glo leading from Bridgend Road. A new internal access and cul-de-sac arrangement is proposed to be constructed leading from the existing Phase 1 estate road and will accommodate associated footways and parking areas. The Council's Transportation Section has confirmed that the existing mini-roundabout junction with the A473 Bridged Road is acceptable to serve the proposed level of development.

In relation to parking provision for the development Highways Officers have confirmed that the proposed development is located within Parking Zone 3 and consists of 9 no. 1 bedroom flats (the 1 bedroom flats comprising of 2 no. blocks of 4 and 1 no. disabled persons flat), 1 no. 2 bedroom flat, 6 no. 2 bedroom dwellings, 4 no. 3 bedroom dwellings and 2 no. 4 bedroom dwellings. In accordance with the Council's adopted SPG, the proposed residential development has a total requirement of 57 spaces, however the submitted plans confirm that 41 off-street spaces are to be provided.

The 2 no. 4 bedroom dwellings in the current scheme are shown will have 3 spaces each, the 4 no. 3 bedroom dwellings have 2 spaces each (plot 9 has 3), the 6 no. 2 bed dwellings will have 2 spaces each, the 8 no. 1 bedroom flats share communal parking of 8 spaces, the 1 bedroom disabled persons flat has 1 space and the 2 bedroom flat above has 1 space. The drawing also indicates 4 visitor spaces in a lay-by alongside the proposed local play area. Therefore, although the level of off-street parking provided is 16 spaces less than the maximum standard as set down in the Council's SPG which gives some cause for concern, on balance and when considering the affordable nature of the development and that occupiers of flats inheritably have lower car ownership rates than other types of dwellings, the shortfall is not significant enough to warrant a highway objection. Further comments have also been raised regarding moving the communal parking area closer to the flats, however this has been confirmed as not feasible within the proposed layout and again, is not considered of sufficient concern to raise an objection. In assessing the

suitability of the proposed development, Highway Officers have also considered the Transport Statement submitted with the application and have advised that the estimated trip generation would not have an adverse impact on highway safety or the free flow of traffic along the A473 Bridgend Road and that the road will carry significantly less traffic when the Llanharan bypass is completed in the future.

In respect of the sustainability of the site's location, the information accompanying the application confirms that there are regular bus services which operate along Bridgend Road and the site is within walking distance of Llanharan railway station. The site layout also incorporates a footpath link from within the site onto the existing footway along Bridgend Road, which will also provide pedestrian access from the Phase 1 development and beyond. Provision for cyclists has also been made within the communal parking area to the south of the site. There are therefore no access or parking issues arising out of the development of this site, which is considered to comply with Policy AW5 of the LDP.

Ecology

In relation to the ecological impact of the scheme, the application is accompanied by an updated walk-over survey which confirms that baseline conditions at the site were established in 2016 through a combination of desk study and Extended Phase 1 Habitat Survey. This has now been updated by a further walk-over survey carried out in August 2018 which identified a limited range of habitats consistent with those recorded in 2016. One change which was identified however was the demolition of the buildings that were present in 2016 and their replacement with a sparsely vegetated earth bund. The site is described as having a species poor hedgerow to the south and species-rich hedgerows with trees to the north and east and these are also identified as having some ecological interest, providing nesting habitat, foraging and commuting resources for birds and bats. As the indicative layout shows the retention of these boundary hedgerows and trees, the ecological impacts of the proposed development are however considered to be minimal. It is confirmed that the standard trees on site were also surveyed for bat roosting potential and were deemed to be of low or negligible potential, however sensitive design of site lighting to limit light spill onto the boundary features would also minimise potential impacts on bats and birds. The report identifies that whilst the existing site has limited ecological interest, there are opportunities for localised biodiversity enhancements including the use of native species in soft landscaping, the incorporation of bat and bird boxes and the enhancement of retained boundary features with supplementary planting and appropriate management.

Whilst the information accompanying the application advises that it is intended that the existing tree line located along the north and east site boundaries will be retained in order to help screen existing and proposed back gardens, the applicant's agent has subsequently confirmed that this land is not within their ownership and is unregistered. It has been confirmed however that Rhondda Housing Association currently maintain the landscaping between the Phase 1 development and properties to the rear and are also willing to take on the maintenance of these boundary trees and hedgerows on the current application site. Given that these tree screens are located outside of the application boundary, the future maintenance of these areas could not be controlled through this application, however as these areas will

effectively become landlocked by the new development, it is considered that the applicant's offer of carrying out future maintenance, offers the best solution to their retention and on balance, is considered acceptable.

Subject to the imposition of appropriate conditions to secure the landscape and ecological enhancements put forward as part of the application, it is therefore considered that the requirements of Policy AW8 of the LDP will be satisfied.

Public Health and Protection

In considering public health issues arising from the proposed development, the main issues that have been identified are the potential for land contamination within the site and the impact that noise which is generated from the nearby commercial activities could have on future occupiers of the development, both of which can be addressed through suitably worded conditions.

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

Other Issues

Coal Mining

The application site falls within an area that is defined as being a Development High Risk Area and where coal mining features and potential hazards may be present and should be considered in relation to the determination of the application. In response to the information originally submitted as part of the application, the Coal Authority confirmed that their records identified a coal mine entry within 20m of the application site and although they held treatment details for the mine entry, were of the view that building over the top of or in close proximity to the mine entry should be avoided. As a result of the objection that was raised by the Coal Authority, further updated information has been submitted by the applicant and is under consideration by the Coal Authority.

It is anticipated that a further response from the Coal Authority will be available and reported orally at the meeting and subject to their confirmation that the additional information submitted demonstrates that the site is safe and stable for the proposed development, it is considered that the requirements of PPW 10 (paragraphs 6.9.25-26) and Policy AW10 of the LDP will be complied with.

Drainage and Flooding

Land Reclamation and Engineering Officers have not raised any issues in relation to the proposed drainage strategy for the development and subject to an appropriate condition to require the drainage strategy to be implemented, if it considered that the proposed development would not raised any issues and would be compliant with Policy AW10 of the LDP.

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 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 / sqm for residential development (including extensions to dwellings over 100 sqm).

The CIL (including indexation) for this development is expected to be £199,246 however, social housing relief may be claimed on the entire development.

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:

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

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

- i) An agreement to maintain the proposed development as social housing in perpetuity.

Conclusion

Having taken into account all of the issues identified above, it is considered that the proposed redevelopment of this vacant site will bring an unused area of land in a sustainable location back into appropriate use and make a small but valuable

contribution to increasing housing land supply without having an adverse impact on highway safety, the character and appearance of the area, residential amenity or on ecology. The proposed development is therefore considered to comply with all relevant policies 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(s) no(s):

Proposed Site Plan - 4254 A-90-103 Rev L
Proposed Layout Plan - 4254 A-90-104 Rev J
Proposed Site Plan - 4254 A-90-106 Rev D
Block A&B Plans & Elevations Sheet 1 of 2 – 4254 A-00-103 Rev E
Block A&B Plans & Elevations Sheet 2 of 2 – 4254 A-00-104 Rev D
Block C Plans & Elevations - 4254 A-00-105 Rev F
House Type A Plans & Elevations - 4254 A-00-100 Rev E
House Type B Plans & Elevations - 4254 A-00-101 Rev E
House Type C Plans & Elevations - 4254 A-00-102 Rev D

and documents received by the Local Planning Authority on 29th October 2018.

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 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.

4. Before any works start on site, existing and proposed levels (including relevant sections) 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.

Reasons: To protect residential and visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted details, 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.

6. 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.

7. The Local Area Play (LAP) shall be laid out and landscaped prior to beneficial occupation of the development hereby approved. The LAP shall thereafter be maintained in accordance with a Management Plan which shall be submitted to and approved in writing by the Local Planning Authority within one month following beneficial occupation of the 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.

8. 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 in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:
1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
 3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The development hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 10) 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.

12. 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.

13. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the nearby commercial activities (i.e. mechanical plant / deliveries) has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: To ensure that the noise emitted from nearby commercial uses is not a source of nuisance to the occupants of the approved development in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the road layout including sections; street lighting details 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.

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

15. The off-street parking identified on submitted drawing no. "A-90-105 Rev A" shall be constructed on site in permanent materials and retained for the purpose of the parking of vehicles only.

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

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

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,

- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

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

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

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

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

19. The development hereby approved shall be carried out in accordance with the recommendations set out in the Updated Site Walk-Over Report produced by Soltys Brewster dated 15 August 2018, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and maintaining ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

20. Prior to the commencement of development, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

21. The first floor bathroom and bedroom windows in the north elevation of Plot 6 and the first floor bathroom and bedroom windows in the east elevation of Block B shall be glazed with obscured glass to industry standard level 3 or higher and this shall be retained in perpetuity. No additional windows shall be installed on these elevations.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

22. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) order 1995, (or any Order revoking and re-enacting that Order) no external lighting (with the exception of any street lighting required) shall be erected or installed without the written agreement of the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
