



## **PLANNING & DEVELOPMENT COMMITTEE**

**7 MARCH 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1084/08  
(GW)  
**APPLICANT:** Corporate Estates  
**DEVELOPMENT:** Residential development (Outline).  
**LOCATION:** VACANT LAND AT CORBETT STREET,  
TREHERBERT  
**DATE REGISTERED:** 22/10/2018  
**ELECTORAL DIVISION:** Treherbert

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#### **RECOMMENDATION: GRANT**

#### **REASONS:**

The proposal would beneficially provide plots for self-build residential dwellings within the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan.

It is considered a low density of dwellings could be developed on the site that would be sympathetic to the character of the area and neighbouring amenity.

An acceptable access and level of off-road parking could be provided.

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

The application has been submitted by the Council involving land owned by the Council, where its interest is of more than a minor nature.

#### **APPLICATION DETAILS**

Outline planning permission is sought for residential development on land at Corbett Street in Treherbert.

An indicative plan shows the site could potentially provide three plots with direct access to the public highway.

The applicant has provided minimum and maximum parameters of scale as follows:

Width: 4m to 12m

Depth: 6m to 12m

Height 5m to 11m

Since the application is made in outline with all matters reserved for future consideration, there are no details of design, layout or access. These would be required as a separate 'Reserved Matters application if permission were to be granted.

The application is one of a number of similar developments proposed by the Council as part of a new housing strategy entitled 'Plot Shop'.

The purpose of the strategy is to increase the housing land supply by releasing land within the Council's ownership, where outline planning permission has already been granted.

The strategy is targeted particularly at locations where developer interest has not been strong and where market housing has not been able to address the needs of communities and local families.

Furthermore, by helping to address the complexities of identifying potential development sites and securing outline consent in advance of sale, it is anticipated that the Plot Shop scheme will help to address the low number of self-build homes being constructed within RCT.

The application is supported by:

- A Coal Mining Risk Assessment.

## **SITE APPRAISAL**

The application site is a piece of open vacant land located on Corbett Street in Treherbert. The surrounding area is a housing estate of a similar type of relatively modern dwelling. The site itself is an open area of grassland that is raised above the surrounding highways. It is comprised of overgrown grass, shrubs, bushes and a few small trees. A hard surfaced footpath is located to the rear, which links Corbett Street and Tyn y Coedcae. An artwork seat is located on the corner of Corbett Street.

## **PLANNING HISTORY**

05/0581/10	Land between Corbett Street and Tyn y Coedcae, Mount Libanus, Treherbert	Proposed tarmacadam path, picnic benches, steel seats and artwork seats.	Granted 27/5/05
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## **PUBLICITY**

The application has been advertised via the erection of site notices and by direct neighbour notification. One letter of objection has been received at the time of writing this report and their comments are summarised below:

- Too many cars and not enough parking spaces in the area
- Increase in traffic will result in a risk of accidents.
- I was refused a small piece of land adjacent to my property to park off road
- It will spoil the view
- It will alter the balance of houses and would not be in keeping with the appearance of the area

## **CONSULTATION**

The Coal Authority – the application site falls within the defined development high risk area. The Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

Countryside Section – a large ex-housing estate site, which is now vegetated with rough brownfield wet grassland, and low scrub with areas of bare ground. Nesting bird value is limited to the relatively small amounts of scrub, but an appropriate clearance method statement would be required. The site certainly has reptile potential (slow worms and common lizard) and these would need to be appropriately considered during site clearance. The site has potential to have Japanese Knotweed.

Dwr Cymru/Welsh Water – no objection subject to a condition requiring that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. They advise a watermain passes through the site and that no development should be carried out 3 metres either side of the pipe. If it requires diversion this would be carried out under the Water Industry Act and at the expense of the developer.

Flood Risk Management – no objection subject to drainage details by condition.

Public Health and Protection – no objection subject to conditions on the demolition of dwellings, hours of operation during construction, noise, dust and waste.

Transportation Section – no objection subject to conditions requiring the full engineering design and details of the proposed access, circulation and parking, off street parking to be in accordance with the Council's planning guidance and a construction method statement.

Wales & West Utilities – our pipes are in the area and maybe at risk during construction works. These must not be built over or enclosed. General guidance is provided for the applicant.

Western Power Distribution – no comments received at time of writing the report.

## **POLICY CONTEXT**

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

The site lies in the northern strategy area, inside the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated. The area is identified as being within the Rhondda Historic Landscape area designated by Cadw.

**Policy CS 1** - sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and provide high quality, and reducing daily out commuting by private car and promoting sustainable forms of travel.

**Policy AW1** - residential development proposals will be expected to contribute to meeting local housing needs and the supply of new housing will include the conversion of suitable structures to provide housing.

**Policy AW2** - development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

**Policy AW5** - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

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

**Policy AW7** - covers the protection and enhancement of the built environment.

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

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy NSA10** – residential development should be a minimum of 30 dwellings per hectare unless it can be demonstrated otherwise.

**Policy NSA12** – details criteria for housing development within and adjacent to settlement boundaries.

### **Supplementary Planning Guidance**

Access Circulation and Parking

Design and Placemaking

The Historic Built Environment

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.

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 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 4 (Active and Social Places)

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

PPW Technical Advice Note 24: The Historic Environment; and

Manual for Streets.

## **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 site is inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP) and within an area of existing residential dwellings.

As such, it is considered that the principle of residential dwellings on the site would therefore be acceptable subject to the following material planning considerations, which are discussed below.

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

The site is within the Rhondda Historic Landscape area designated by Cadw. It is an open area of land adjacent to a row of dwellings on Corbett Street. Dwellings provided in a similar manner to those on Corbett Street would complement the existing character of the area.

It is noted the site includes land that is immediately adjacent to a footpath to the north. This footpath links Corbett Street and Tyn y Coedcae and includes benches along its length and for its users it beneficially has a rural fringe character. If residential development and boundary fences were developed on its edge this would result in the loss of some of this character and enjoyment of the users. Therefore, it is considered it would be necessary to restrict the size of the residential curtilages and retain a landscaped buffer area along the path, as detailed on the indicative plots. A suitable size of plot would still be available to develop residential dwellings on. Details of this could be provided at the reserved matters stage and required by a suitably worded condition if Members consider this necessary.

As such, taking into account the above, it is considered the proposal would not result in a significant detrimental impact on the character of the area or on residential amenity.

### **Impact on residential amenity**

In terms of the impact on the amenity of nearby residents, dwellings could be developed within the indicative plots in a similar manner to the existing dwellings facing Corbett Street. As such the proposed dwelling would not result in a significant detrimental impact on residential amenity.

### **Access and highway safety**

No objection has been raised by the Council's Transportation Section subject to conditions. As this is an outline application with all matters reserved it is considered these details can be obtained in a reserved matters application. The condition requiring a construction method statement is not considered necessary due to the small scale of the development and as it is likely that each plot would be developed separately.

Therefore taking into account the above it is considered access and parking would be acceptable.

### **Ecology**

The development proposes residential development on an area of open grassland that contains a few small trees and shrubs. The Council's Ecologist has detailed an appropriate clearance method statement would be required for nesting birds; as the

site has reptile potential (slow worms and common lizard) these would need to be appropriately considered during site clearance and the site has potential to have Japanese Knotweed. It is considered these issues could be acceptably covered by a suitably worded condition.

### **Impact from former coal mining works**

The site includes areas that are identified as being of high risk from former coal mining works. The applicant has provided a Coal Mining Risk Assessment and the Coal Authority conclude that there could be some risks. They advise an intrusive site investigation would be required and that if any mitigation measures are required that these should be provided. Details of this can be obtained by a suitably worded condition if permission is granted.

### **Other issues**

#### **Drainage**

Dwr Cymru/Welsh Water advise that a watermain passes through the site and that no development would be allowed 3 metres either side of its centreline. This would potentially affect a dwelling on plot 1. Dwr Cymru do not object and detail that the pipe could potentially be diverted under the Water Industry Act and that the developer would be liable for the costs of diversion.

#### **Public Health and Protection Comments**

With regard to the issues raised by the Public Health and Protection Section it is considered these matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning the issues.

#### **Community Infrastructure Levy (CIL) Liability**

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

However, the application site lies within zone 1 of Rhondda Cynon Taf's residential charging zones, where a nil charge is applicable and therefore no CIL will be payable.

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

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above

relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Section 92 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:

- Site Location Plan received 25<sup>th</sup> September 2018

and documents received by the Local Planning Authority on 26<sup>th</sup> September 2018, 8<sup>th</sup> October 2018, 9<sup>th</sup> October 2018 and 22<sup>nd</sup> October 2018, 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. The development hereby permitted shall not begin until the undertaking of a scheme of intrusive site investigations, which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity and a report of the findings arising from the intrusive site investigations, including details of any remedial works, shall be submitted to and approved in writing by the Local Planning Authority. Any remedial works required shall be completed in accordance with the approved details prior to the occupation of any of the dwellings.

Reason: To ensure any former coal mining works on site have been remediated in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

4. The reserved matters application shall include details of a landscape buffer zone between the footpath, to the north of the site, and the rear curtilage boundaries of the proposed dwellings, as detailed on the indicative layout plan. The buffer zone shall be kept open and free of any development including boundary treatment (other than hereby approved) and any structures without the prior express permission of the Local Planning



Authority.

Reason: To preserve the open character of the land in the interest of visual and residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
  - a. An appropriate method statement for any site clearance in relation reptile potential (slow worms and common lizard);
  - b. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season); and
  - c. A method statement for the eradication of Japanese Knotweed.

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

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

6. No development shall take place until drainage arrangements (including any driveways) have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not 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.

7. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed access, circulation and parking including 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 and safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

8. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the

curtilage of the site, in the interests of highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

