



PLANNING & DEVELOPMENT COMMITTEE

21 MARCH 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1422/10
(GH)
APPLICANT: SRT Developments Limited
DEVELOPMENT: New Residential Development of 4no. 1 bed apartments,
6no. 2 bed houses and 1no. 3 bed house.
LOCATION: LAND ADJACENT TO ABERGORKY INDUSTRIAL
ESTATE, YNYSWEN, TREHERBERT, TREORCHY,
CF42 6DL
DATE REGISTERED: 04/01/2019
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

REASONS:

By virtue of its location within the settlement boundary, the principle of residential development would be acceptable and the proposed development would provide eleven much-needed affordable housing units in a sustainable location.

The dwellings would also be in close proximity to a range of public transport options, and have a range of shops, services and facilities within convenient walking distance.

Although one objection has been received the material planning issues raised, including a pedestrian route for pupils and appropriate mitigation for ecology and construction works, can be acceptably controlled with conditions.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to Service Director Planning.

APPLICATION DETAILS

Full planning consent is sought to construct 4 one-bedroom apartments, 6 two-bedroom houses and 1 three-bedroom house, at land adjacent to Abergorki Industrial Estate. The application is made on behalf of Hafod, a Registered Social Landlord, and the development would provide 100% affordable homes for social rent.

It is proposed that the affordable dwellings would be built on a piece of vacant land at the southern end of the Industrial Estate, located between the railway line and the Rhondda River.

The apartments and three of the houses would be arranged as one block facing towards the south-west. The remaining four houses would be perpendicular to the large block and arranged as two pairs of semi-detached houses facing north-west.

Access to the site would be from the existing turning head, leading to a communal parking area of seventeen spaces. Whilst the parking spaces would consist of gravel-filled grid sections, the circulation area would be of tarmac. The application drawings demonstrate that some landscaping, in the form of grassed areas and planting, would be undertaken

All properties would be constructed from the same materials palette, using sections of white render and face brickwork, and enclosed by a concrete tiled roof. Each house would have an entrance canopy, with matching grey fenestration and concrete window cills.

The houses would be provided with amenity space to the rear with a shed, with that for the apartments being on a communal basis. Two external refuse stores and cycle stands would also be incorporated within the site.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Transport Statement
- Drainage Strategy
- Design and Access Statement
- Tree Survey
- Otter Survey
- Ecology Report
- Noise Assessment

Lastly, it has been confirmed that this 100% social rented scheme has been designed by Hafod Housing Association in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Treorchy. The unit mix and tenure proposed accord with the Local Housing Market Assessment 2017/18.

SITE APPRAISAL

The application property is an irregularly shaped piece of land located to the southern end of Abergorki Industrial Estate. Comprising a surface area of approximately 0.22 hectares, the land is accessed from the existing estate distributor road.

The site is reasonably flat and is covered with scrub with some trees to the north-eastern side. The adjoining land to the south east, as well as that adjacent to the river bank, is not included in the development area, but is within the same ownership.

Other than the aforementioned north-eastern boundary with the river, the edge of which comprises part of a Site of Importance for Nature Conservation, the boundaries of the site are formed by a Public Right of Way to the south-east, the railway line to the south-west, and the existing highway to the north-west. The former is used as a walking route to Treorchy Comprehensive School since part of the estate road is used as a school bus drop off/pick up point.

Neighbouring properties include a mix of commercial uses and dwellings. Other than one property to the south, on the opposite side of the railway, the closest residential properties are at least 30m away at River Terrace.

PLANNING HISTORY

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

16/0571/13	Development of 4 dwellings (detached) with associated access, parking and amenity space.	Grant 23/09/16
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PUBLICITY

The application has been advertised by direct notification to eight neighbouring properties and notices were erected on site.

One letter of objection was received, raising the following concerns:

- The earlier outline application bears little resemblance to the current application
- The decision to allow preparatory work on site prior to determination is pre-emptive
- Safety concerns regarding the proximity of the application site to the pedestrian route for pupils of Treorchy Comprehensive School and their visitors
- There should be mitigation from noise and disruption caused by construction work to residents and wildlife, and hours of construction and external lighting should be controlled
- The site was sold by RCT and intended for the provision of parking bays for school buses

- The site should be screened with tree planting around its perimeter

Whilst not all of these matters are material to the determination of the application, conditions are recommended in respect of a Construction Method Statement, Wildlife and Habitat Plan, and construction hours.

The objector noted that some work had started on site. However this relates to a ground condition survey being undertaken, for which no planning consent is required.

CONSULTATION

Highways and Transportation - no objection subject to suggested conditions and informative notes.

Wales and West Utilities - WWU has noted the presence of underground assets close to the site and has provided a list of general conditions.

Western Power Distribution - A new connection or service diversion will require the consent of WPD.

Natural Resources Wales - no objection

Countryside Ecologist - any consent should be subject to a condition for a Wildlife and Habitat Protection Plan

Countryside – Rights of Way - The legal line of the footpath must be protected at all times and must remain open, accessible and unobstructed during construction.

Drainage - a condition is required for the submission of full drainage details

Dwr Cymru/Welsh Water - no objection subject to a condition and informative note regarding surface water disposal and sewerage provision.

South Wales Police- no objection.

Public Health and Protection - conditions are recommended in respect of noise, dust, waste, hours of operation and demolition. A further condition is recommended to reflect noise mitigation.

Network Rail - no objection, subject to confirmation in respect of a culvert. A list of general conditions has been provided for the benefit of the applicant.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Ynyswen, Treherbert

Policy CS1 - promotes developments which will support principal towns and key settlements.

Policy CS4 - sets out the housing requirement figure for the County Borough over the plan period.

Policy CS5 - sets out the affordable housing requirement figure for the plan period

Policy AW1 - sets out the criteria for new housing proposals.

Policy AW2 - promotes development in sustainable locations.

Policy AW4 - details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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

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

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

Policy AW10 - does not support development where unmitigated environmental, public health or amenity risks are present.

Policy NSA2 - supports developments which support the roles and functions of key settlements including Treorchy

Policy NSA10 - residential development should normally have a minimum density of 30 dwellings per hectare or greater.

Policy NSA11 - The provision of at least 10% affordable housing will be sought on sites of 10 units or more.

Policy NSA12 - supports housing development within and adjacent to defined settlement boundaries.

Supplementary Planning Guidance:

- Design and Placemaking
- Access, Circulation & Parking Requirements
- Affordable Housing
- Planning Obligations
- Nature Conservation
- 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 1 (Managing New Development)

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

Chapter 4 (Active and Social Places)

Other policy guidance considered:

PPW Technical Advice Note 11 - Noise

PPW Technical Advice Note 12 - Design

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

This application seeks permission to construct 4 one-bedroom apartments, 6 two-bedroom houses and 1 three-bedroom house. The site is located inside the settlement boundary, is within the northern strategy area and also the key settlement of Treorchy.

As vacant land within the Abergorki industrial estate the surrounding infrastructure is of a high standard and it can be concluded that the original purpose for the land was intended for appropriate B1, B2 or B8 employment uses

The site has a separate pedestrian access to the nearby residential area, where Treorchy benefits from a retail centre with numerous facilities and services and good transport links, including a train station, all within easy walking distance. This together with its location within the settlement boundary makes it a highly sustainable location.

Furthermore, although the site is within the industrial estate, it does relate to and sit within the context of the wider residential area on the opposite side of the river. Since the development would support the role and functions of Treorchy it would meet the criteria of LDP Policy AW2 and it is noted that the site benefits from an extant outline consent for residential development (16/0571/13).

Consequently, subject to the material planning matters considered further below, the application is considered to be acceptable in principle.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of its design, scale, materials and overall visual appearance. This view is taken for the following reasons:

The layout of the housing has been dictated by the constraints of the site, inasmuch as the northern boundary follows the line of an easement for access the river, the bank of which forms part of a SINC; there is a public footpath along two sides, which provides access to the school; and the rail line runs to the south-west. Furthermore, the site access is fixed by the adjacent junction.

Therefore the applicant's Design and Access Statement has stated that the larger of the block, which includes the flats, has been brought forward of the river and arranged perpendicular with Crichton Street in order to create the semblance of a courtyard. Notwithstanding that the rear elevations of this larger block would be facing towards the river it is considered that having its principal elevation facing towards the central parking and landscaped area is a better option both in respect of appearance and for ease of access.

In addition to the elevation drawings, the applicant has supplied a 3D representation of the scheme, which helps to demonstrate that there would be some variation in design and materials to identify individual units, but that these would combine to create a cohesive whole.

The generous amenity areas allocated to each property and external circulation space also shows that the footprint of development is relatively small with a high percentage of the site left undeveloped. This means that the mass of the whole is not excessive and since it would be of two storey construction would not be intrusive on longer views towards the development.

Impact on residential amenity

Other than for a degree of disruption and noise that would be expected during construction works, it is considered unlikely that the development would have a harmful impact to the amenity of residents living at either River Street to the north-east or at Tyla Coch to the south-west.

The reason for this is that there is sufficient distance and natural screening between where the new development would be located and the elevations of the closest other properties to prevent intrusive views or detriment to outlook. In addition, those dwellings to the south-east are on the opposite side of the railway where there is a belt of woodland.

However, since the development site sits within an industrial area there will inevitably be industrial traffic and industrial processes within close vicinity of the site, as well as

frequent rail traffic. In this regard Policy AW10 requires there to be no unacceptable detrimental harm caused to health and/or local amenity because of pollution.

The Council's Public Health Section was consulted and did not raise an objection on such grounds. However, the Section agreed with the recommendations of the applicant's Acoustic Report.

This Report identified the installation of noise mitigation measures to include double and secondary glazing, and mechanical ventilation to north-west and south-east elevations. A vibration impact assessment noted minimal vibration from railway operations thus no measures were considered necessary to address this.

Lastly, the scheme was considered in the context of the Council's SPG for the Development of Flats, which concerns such matters as access, size and layout of accommodation, and outdoor space. Whilst there are no concerns in this regard, it is acknowledged that the proposal would be subject to the Welsh Government's Development Quality Requirements, the standards of which Registered Social Landlords must meet.

Highways and accessibility

The application site is located on a plot of land adjacent to Abergorki Industrial Estate and is accessed directly from the estate road, which has a carriageway width of 7.3m with no parking restrictions, and a 1.8m wide footway on both sides.

The most straightforward vehicular and pedestrian route to the A4061 is via Crichton Street which has a minimum carriageway width of 6.8m and 1.8m wide footways. Aside from double yellow lines on the approach to the A4061 there are no parking restrictions on Crichton Street or the Industrial Estate road.

There are a number of terraced properties served from Crichton Street and due to the lack of curtilage parking there is on-street parking demand which reduces the available carriageway width; thus adversely impacting on highway safety and the free flow of traffic.

In accordance with TAN 18 the vision at the junctions of the estate road and Crichton Street and Crichton Street and the A4061 should be 2.4m x 40m. Both are well in excess of this, although on-street parking to the left and right of the latter reduces vision to approximately 2.4m x 20m and 2.4m x 10m respectively, which gives cause for concern.

However, due to the wide carriageway width of the A4061 at its junction with Crichton Street, vehicles are able to edge out on to the A4061 beyond the give-way line. This increases their vision without impeding 2-way traffic flow along the A4061, thus mitigating the adverse impact of on-street parking affecting sightlines.

As noted above, the site served by a continuous footway of approximately 1.8m on both sides of Crichton Street towards the A4061. The existing footway width is below the required 2m standard of and the Council's Highways and Transportation section

has stated that this should be widened in the interest of pedestrian safety, and has suggested a condition.

The table below sets out the off-street parking requirement, as determined by the Council's SPG for Access, Circulation and Parking:

Bedrooms	Required	Provided	Difference
4 x 1 bed	8 spaces	3 spaces	- 5 Spaces
6 x 2 bed	12 spaces	12 spaces	0
1x 3 bed	3 spaces	2 spaces	- 1 space
Visitors	3 spaces	0	- 3 spaces

The development would be six spaces short of the maximum standards for residents and three spaces short for visitors which raises cause for concern due to the bus pick up and drop off area and its location within the turning head.

The SPG states that the car parking requirement can be reduced if the development is located in a sustainable location. Taking into account the close proximity of the train station, bus stops, schools and local facilities the proposed off-street car parking can be reduced to a total of eighteen spaces. There is potential to accommodate the additional space within the site and therefore a condition requiring eighteen spaces to be provided has been suggested.

Consequently, in light of the above and subject to a number of highway related conditions, the development would have no detrimental impact on highway and pedestrian safety or the free flow of traffic.

Ecology

Natural Resources Wales has noted that an otter survey was submitted in support of a previous application (16/0571/13), which established that otters were not using the site at the time. However, it was suggested that the view of the Council's Ecologist should be sought as to whether or not a further survey was required.

Subsequently, the Ecologist advised that no otter holts or resting places had been found within 100m of the development site. Therefore, since the development would not encroach into the wooded bank that forms part of the SINC, any further concerns could be dealt with by a condition requiring a Wildlife and Habitat Protection Plan to be submitted for approval prior to development. Consequently, such a condition is recommended below.

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

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

Guidance regarding what types of obligations developers may be expected to contribute towards is contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case:

In this case the Council's Housing Strategy Section has noted that the site would provide 100% affordable housing for social rent, which would accord with LDP Policy NSA11.

Therefore a S106 agreement will be required to ensure that the dwellings are established maintained as affordable units, for the continued purpose of meeting identified local housing needs.

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with Policies CS1, AW1, AW2, NSA2 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

Furthermore, the proposed housing development has designed for and in accordance with a registered social landlord, and will provide beneficial additional affordable housing to meet local housing demand.

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 drawings entitled 'site proposed', 'proposed first floor plan', 'proposed ground floor plan' and 'proposed elevations', and documents received by the Local Planning Authority on 24th December 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. Notwithstanding the submitted plans, prior to the commencement of development, details of the footway widening to 2.0m and lowered around the turning area to provide for a vehicular footway crossing and details of the new proposed footway along the southern boundary shall be submitted to and approved in writing by the Local Planning Authority. The development should be carried out in accordance with the approved plans retained thereafter and implemented prior to beneficial occupation.

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

4. Notwithstanding the submitted plans no dwelling shall be occupied until space has been laid out within the site for 18 vehicles to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose other than the parking of vehicles.

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

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period unless otherwise approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the means of access into the site for all construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) the management of vehicular and pedestrian traffic;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) the sheeting of lorries entering and leaving the site.

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

6. No development shall take place until a Wildlife and Habitat Protection Plan for Construction has been submitted and approved in writing by the Local Planning Authority. The Plan shall include:

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

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

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. All building works relating to the proposed development shall be constructed so as to provide sound attenuation against external noise as detailed in the submitted noise Assessment (ref: 18-417/Abergorki, Treorchy/Noise Assessment). Prior to beneficial occupation and after the completion of construction, a verification report in respect of the attenuation measures installed shall be submitted to and agreed in writing by the Local

Planning Authority. The attenuation measures shall thereafter be retained in perpetuity.

Reason: In the interests of the amenity of residents, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. During the construction phase of the development the hours of work shall be restricted to the following:

Monday to Friday	08.00 to 18.00 hours
Saturday	08.00 to 13.00 hours
Sunday and Bank Holidays	Not At All

Reason: In the interests of the amenity of other residents, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No surface water run-off from the proposed development shall be allowed to discharge onto the public highway or connect to any highway drainage system, either directly or indirectly, unless agreed in writing by the Local Planning Authority.

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

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No HGV deliveries shall take place during the construction period between the hours of 07:30 am to 09:30 am and 14:30 pm to 16:30 pm on weekdays to and from the site.

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

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