



## **PLANNING & DEVELOPMENT COMMITTEE**

**9<sup>TH</sup> MAY 2019**

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

#### **PRUPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**Application No: 18/0797**                      **REDEVELOPMENT OF VACANT SITE FOR 22 NO. DWELLINGS TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING (AMENDED SITE LAYOUT PLAN RECEIVED 16/10/18)., LAND BETWEEN MANCHESTER PLACE AND LANGLAND CLOSE, HIRWAUN**

#### **1. PURPOSE OF THE REPORT**

Members are asked to consider a proposed Deed of Variation to the existing Section 106 agreement attached to the above planning permission.

#### **2 RECOMMENDATION**

That Member consider the report in respect of the previously approved planning application and the proposed amendment, and determine the proposed amendment having regard to the advice given.

#### **3. BACKGROUND**

The original planning application was reported to the 22<sup>nd</sup> November 2018 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to approve the application, subject to a Section 106 legal agreement (S.106). The S.106 required the developer make a contribution towards the improvement of existing outdoor play facilities in the Hirwaun Ward at a rate of £1000 per unit (£22000 in total); and restricted the occupation of all units on site to that of affordable housing in perpetuity. The S.106 was signed on 1<sup>st</sup> April 2019.

Since the signing of the S.106 the developer has contacted the Council requesting the 100% affordable housing restriction be reduced to 10%. The developer has stated that whilst it is their intention to retain and occupy all of the units on site as affordable housing, it has become apparent that this restriction would result in significant difficulty in securing the necessary

funding for the scheme as it would limit the value of the units, and consequently the development may not proceed.

The developer therefore requests the original S.106 be amended by way of a Deed of Variation, reducing the affordable housing restriction to 10% in order to ensure the development is viable and proceeds.

Members are advised that the proposed Deed of Variation would not result in any amendment to the play area contributions previously agreed, or to the design, scale, layout, access, etc. of the previously approved scheme. It would simply result in only 10% of the residents units having to be occupied as affordable housing, rather than the existing 100% restriction.

#### **4 PLANNING ASSESSMENT**

As detailed above, the application has already been approved and this amendment simply seeks an alteration to the existing S.106 only by way of a Deed of Variation. As such this report relates solely to the proposed Deed of Variation and related issues.

With the above in mind, Policy NSA11 of the LDP seeks a provision of 10% affordable housing on development sites of 10 no. units or more within the Northern Strategy Area. As such the reduction of affordable units on site to 10% would not conflict with the Policy guidance. Furthermore, whilst the developer has stated that it is their intention to retain and occupy all of the units on site as affordable housing and the only reason they are applying for the Deed of Variation is to more easily secure funding, it is not considered that the occupation of 90% of all units on site as market housing would have any impact upon the character of the area, and could actually improve the housing provision within the village. Additionally, the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones where a £nil charge is applicable. Therefore the proposed alteration to the existing S.106 would have no impact in this regard.

Subsequently, with no amendments to the scheme as previously approved in respect of design, scale, layout, access, etc. and the potential to improve housing provision within the village, it is considered the proposed Deed of Variation would be acceptable in principle.

It is noted however that the original planning application was assessed on the premise that all units on site would be occupied as affordable housing where a lower off-street parking provision in comparison to market housing can sometimes be considered acceptable. Therefore, if 90% of the units were to be occupied as market housing there could be a detrimental impact in this regard if adequate off-street parking provision is not available on site.

In light of this issue consultation has been undertaken with the Council's Transportation Section. Following further assessment of the scheme the Transportation Section commented that adequate off-street parking provision is provided on site to cope with the proposed alteration and therefore it is not

considered the occupation of 90% of the units as market housing and 10% as affordable housing would result in any further impact upon pedestrian or highway safety in the vicinity of the site in comparison to that which would occur if the amendment was not implemented. The scheme is therefore considered acceptable in this regard.

Members are also advised that it is not considered the proposed amendment to the existing S.106 would result in any further/other impact that has not already been considered during the original determination of the planning application. The proposed Deed of Variation is therefore considered acceptable and recommended for approval.



**PLANNING & DEVELOPMENT COMMITTEE**

**22 NOVEMBER 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0797/10  
(MF)  
**APPLICANT:** Cynon Taf Housing Association  
**DEVELOPMENT:** Redevelopment of vacant site for 22 no. dwellings together with associated access, car parking and landscaping (amended site layout plan received 16/10/18).  
**LOCATION:** LAND BETWEEN MANCHESTER PLACE & LANGLAND CLOSE, HIRWAUN, CF44 9RP  
**DATE REGISTERED:** 16/07/2018  
**ELECTORAL DIVISION:** Hirwaun

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**RECOMMENDATION:** Approve, subject to Section 106 Agreement

**REASONS:**

The redevelopment of the site for residential purposes is acceptable in principle. Further, it is considered the site is capable of accommodating 22 no. dwellings as proposed without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of the surrounding properties. It is also considered the proposed development would have no undue impact upon highway safety in the vicinity of the site.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to Committee as five or more dwellings are proposed, and because three letters of objection have been received following the consultation process

## **APPLICATION DETAILS**

Full planning permission is sought for the construction of 22 no. residential properties at the application site. The development would comprise 12 no. 2 bedroom dwellings, 2 no. 4 bedroom dwellings, and 8 no. 1 bedroom apartments together with associated access, parking and landscaping. It is proposed that all 22 no. properties be occupied as affordable housing under the management of Cynon Taf Housing Association.

The dwellings would be sited in a linear arrangement along the southern side of a new residential cul-de-sac to be created through the site. 4 no. house types are proposed, 2 no. 4 bedroom, semi-detached dwellings; 2 no. 2 bedroom, semi-detached dwellings; 10 no. 2 bedroom, terraced dwellings; and 8 no. 1 bedroom apartments. Each of the properties would be two-storey in nature, would front the street, and would have off-street parking to the front and enclosed gardens to the rear. It is also noted that each of the properties have been designed to meet the relevant Welsh Government Development Quality Requirements, Welsh Housing Quality Standards, and Life Time Homes specifications.

With respect to external appearance, whilst 4 no. differing house types are proposed, each of the properties would be finished in the same external materials. This would comprise a mix of red face brick and cream render, reconstituted stone window sills and surrounds, imitation slate roof tiles, and white uPVC windows, doors and rainwater goods.

Access would be gained off Manchester Place at the north-eastern corner of the site. A turning head would be installed at the western end of the new street along with a private drive for access to 3 no. of the new dwellings. It is also noted the existing service lane along the northern boundary of the site would be stopped up for vehicles at the western end allowing pedestrian through access only, however, access to the existing garages at the rear of properties within the adjacent street, Manchester Place, would remain and be available from within the new street.

## **SITE APPRAISAL**

The application site is a roughly rectangular plot that amounts to approximately 0.5ha. It is sited between the existing residential streets of Llangland Close and Manchester Place, Hirwaun. The plot is currently vacant, but overgrown with various scrub vegetation, and was previously occupied by the former Nidum Precision Tool Factory that was demolished approximately 10 years ago. The site is level throughout and enclosed with chain-link fencing. A service lane runs along the northern boundary which provides access to the rear of the adjacent properties along Manchester Place. A small wooded area is located directly to the west of the site. The Nant-y-Bwlch stream runs through this area.

The surrounding area is generally residential nature, comprising a mix of dwelling types and relationships between properties.

## PLANNING HISTORY

Previous planning applications submitted at the site:

11/0410	To extend the life of outline planning permission 05/1878/13 by 5 years and the period for reserved matters by 3 years (residential development)	Resolve to approve 23/06/11 No decision to date (Section 106 outstanding)
05/1878	Proposed residential development (outline)	Granted 27/11/06
84/0474	Proposed extension for storage purposes	Granted 23/01/85
79/0538	Proposed extension	Refused 19/09/79

## PUBLICITY

The application has been advertised by means of direct neighbour notification, site notices and a press notice. Three letters of objection have been received from occupiers of neighbouring properties, making the following comments (summarised):

- The proposed dwellings would overlook the adjacent, existing dwellings.
- The proposed dwellings would result in additional traffic in the locality. This would result in noise, disturbance and light pollution to the surrounding properties.
- The site access is out on to a busy road with no footways and poor visibility. This will be dangerous for pedestrians and highway safety.
- Insufficient off-street parking is proposed. As such occupiers of the new dwellings will inevitably park in the surrounding streets.
- The proposed dwellings would restrict views from the adjacent, existing dwellings.
- Japanese Knotweed is present on site and should be properly removed before any development works commence.

It is also noted that the below comments were received from Hirwaun Community Council:

- There is already traffic congestion in the village. As such this issue, along with suitable access to the site, should be considered when determining the planning application.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions.

Public Health and Protection – no objection, subject to conditions.

Flood Risk Management – no objection.

Countryside, Landscape and Ecology – no objection.

Education – no objection and no financial contribution required.

Parks – as no open/recreation space is proposed as part of the new development, it is suggested that the Council seeks a financial contribution from the developer of £1,000 per property to upgrade existing outdoor recreation facilities within the Hirwaun Ward.

Natural Resources Wales – no objection.

Dwr Cymru/Welsh Water – no objection, subject to conditions.

Wales and West Utilities – no objection, subject to conditions.

Western Power Distribution – no objection.

South Wales Police – no objection, subject to conditions.

South Wales Fire and Rescue Service – no objections, subject to conditions.

## **POLICY CONTEXT**

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

The application site is located within the settlement boundary for Hirwaun, but is not allocated for any specific purpose.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW1** – sets out the criteria for new housing proposals.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**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 permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy NSA3** – sets out the criteria for residential, commercial and community development within the Key Settlement of Hirwaun.

**Policy NSA10** – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

**Policy NSA11** – seeks a provision of 10% affordable housing on sites of least 10 no. units or more within the Northern Strategy Area.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

**Policy NSA16** – sets out the criteria for the re-development of redundant and/or vacant industrial sites in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- A Design Guide for Householder Development;
- Affordable Housing;
- Nature Conservation;
- Planning Obligations;
- Access, Circulation and Parking;
- 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.

Planning Policy Wales Chapter 2 (Local Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 8 (Transport), Chapter 9 (Housing) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- 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.

## **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**

Full planning permission is sought for the construction of 22 no. affordable homes at the application site.

The site is located within the defined settlement boundary of Hirwaun and is unallocated. As such the proposal meets the relevant criteria set out in Policy AW1. Additionally, it is located near the Retail Centre of the village and a number of bus stops, being sited in close proximity of the main bus route through the village. As such it is considered the site is located within a sustainable location and therefore complies with the primary objectives of Policy AW2. Further, the proposed development would make use of a vacant, former industrial, Brownfield site which is promoted by Policies CS1 and NSA16, and would regenerate this area of the Key Settlement, in line with aims of Policy NSA3.

It is also noted that the RCT Joint Housing Land Availability Study (2018) calculates the current supply to be 1.4 years, a deficit of 3.6 years against the minimum required by national policy. As such the proposed development would go some way to increasing the Authority's housing land supply. Additionally, the proposal is compliant with Policy NSA10 in that it proposes development which exceeds 30 no. dwellings per hectare (46 no.), and Policy NSA11, entailing 100% affordable housing which would provide a form of accommodation to local people who live and want to remain in Hirwaun with greater variety in their housing options.

Finally, as detailed above, the site has a history of planning permissions for residential development dating back to 2005. It is therefore considered that the principle of residential development at the site has already been established.

It is noted that as the site was last used for employment purposes, Policy AW11 would normally require that such sites be marketed for a minimum of 12 months before alternative uses are considered, and that no such marketing evidence has been submitted with the application. However, the policy gives allowances for the exclusion of such information when the proposal involves the redevelopment of derelict, unsightly and vacant employment land for alternative uses to encourage regeneration. Therefore, in this instance, as the site has been cleared and has laid vacant for roughly a decade with no interest in redevelopment for employment uses,

and given its history of residential consents, it is considered that the necessity to comply with the marketing requirements of Policy AW11 would be unreasonable in this case and could prevent the redevelopment of the site.

The proposal is therefore considered acceptable, in principle, subject to an assessment of the criteria set out below.

### **Visual Impact**

It is considered the proposed site layout forms an appropriate design given the shape of the plot and the relationship it has with the adjacent neighbouring streets. As such the application site is considered to be of a scale capable of accommodating the number of dwellings proposed without leading to overdevelopment of the plot, and further, the proposed layout will ensure the new street sits comfortably between Manchester Place to the north and Langland Close to the south. Additionally, being relatively level throughout, no significant engineering works would be required at the site. Consequently it is not considered the general redevelopment of plot and layout proposed would have a detrimental impact upon the character and appearance of the site or the surrounding area.

With respect to the proposed buildings, replacing what has been a vacant/derelict site for almost 10 years and a plot historically occupied by a factory unit, the proposed dwellings would inevitably alter the current character and appearance of the area and would form visible features in the locality. However, the proposed dwellings are of a typical, modern, two-storey scale and design and are comparable to many other new developments in the area and throughout the wider County Borough. Further, the use of appropriate external finishes, comparable to that of many other properties in the locality, will ensure the new properties are in-keeping with and not out of character with their surroundings.

The proposed development would therefore appear as an appropriate infill between to the two existing streets to the north and south and is consequently considered to be in accordance with the relevant local planning policy in respect of its potential impact upon the visual amenity of the surrounding area.

### **Residential Amenity**

Whilst it is acknowledged that any development at the site would inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding residents, it is considered that the site layout proposed will allow sufficient distance between the new properties and the existing to ensure that any potential impact would not be significant enough to warrant refusal of the application.

The site layout illustrates that there would be a minimum distance of approximately 25m between the front elevations of the properties along the new street with the rear of the closest properties along the adjacent street to the north, Manchester Place. Further, there would be a minimum distance of approximately 23m between the rear elevations of the properties along the new street and the front elevations of the closest properties along the adjacent street to the south, Langland Close. Given this

separation distance, it is not considered that any undue overshadowing or overbearing to the existing neighbouring properties would occur.

Furthermore, whilst it is acknowledged that the new street would be site at a slightly higher ground level than the existing properties along Manchester Place, it is considered the separation distance proposed between the new dwellings and the existing would ensure that any potential overlooking that may occur would not be significant enough to warrant refusal of the application.

Finally, the plot was last occupied by a factory unit which would have been in operation throughout the week. Therefore, whilst surrounding residents would have become accustomed to the vacant nature of the site in recent years, a degree of noise and disturbance would have historically occurred. Consequently, whilst the introduction of 22 no. residential units at the site will obviously intensify its current use and it is accepted that a degree of further noise/disturbance would occur to surrounding residents in comparison to that which they have recently become accustomed to, it is not considered the relative increase in disruption generated by the proposed development would be significantly greater than that which would have historically occurred.

Therefore, in light of the above, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by surrounding residents, it is not considered any impact would be so detrimental as to warrant refusal of the application. The application is therefore considered acceptable in this regard.

### **Highway Safety**

It is noted that the Transportation Section originally raised a number of objections to the scheme, specifically in respect of the site access and pedestrian facilities throughout the site. In light of the concerns an amended site layout plan was received on 16/10/2018 whereby the site access and footway layouts were amended. Following assessment of the amended scheme the Transportation Section removed their objections, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that access is proposed off Manchester Place via a new junction which will incorporate the use of the existing rear lane serving garages to the rear of Manchester Place. The proposal provides for a 5.5m carriageway with 2m footway on the development side leading to a private shared access and turning area. The proposed horizontal geometry as indicated on the submitted plans is acceptable, subject to full engineering design and detail which can be conditioned accordingly.

The developer has submitted a speed survey which indicates the 85<sup>th</sup> percentile speeds in the vicinity of the site access onto Manchester Place. The 85<sup>th</sup> percentile recorded speeds were 23.6mph northbound and 23.7mph southbound, which correlate to a standard stopping distance of 31m in both directions, based on Manual for Streets (MfS) guidance on visibility. The submitted plan indicates that the visibility

splays of 2.4m x 31m can be accommodated within land under the ownership of the applicant or public highway. Therefore the vision splays proposed are acceptable.

With respect parking, the proposed car parking provision for the development has been assessed in accordance with Council's adopted SPG: Access, Circulation and Parking and is set out below:

Dwelling type/no. of units	Parking standard	Maximum parking provision	Actual parking provision
Affordable			
8 x one bed	1 space per dwelling	8	8
12 x two bed	1 space per bedroom	24	24
2 x four bed	1 space per bedroom (max 3)	6	4
Visitor spaces	1 space per 5 units	4	0
Total		42	36

Based on the Council's parking standards, the maximum level of parking provision required is 38 no. resident parking spaces and 4 no. visitor spaces, a total of 42 no. spaces. The proposal provides for 36 no. off-street car parking spaces which equates to a minimum of 1 no. space per 1 bedroom apartment and 2 no. spaces per 2 and 4 bedroom dwellings, with short term visitor parking taking place on-street. However, taking into account the proposal is for social housing which generally equates to a lesser car ownership than privately owned dwellings and the sites sustainable location, on-balance, the proposed off-street car parking provided is considered acceptable. It is also noted that each property would include secure cycle storage within a garden shed that will go some way to mitigating the parking shortfall.

The applicant has also undertaken a Trip Rate Information Computer System (TRICS) analysis to assess the impact of the proposed development on the existing highway network in terms of peak traffic flows. The results are contained in the table below:

	Peak Period		Trip rate		Vehicles	
	Arrive	Depart	Total	Arrive	Depart	Total
0800-0900	0.152	0.287	0.439	3	6	9
1700-1800	0.277	0.170	0.447	6	4	10

The above table indicates that there will be 9 no. additional trips in the am peak and 10 no. additional trips in the pm peak. The Council has undertaken its own TRICS analysis in respect of the development and consider the applicant's figures above to be slightly low. The Council's TRICS analysis indicated that there will be 9 no. additional vehicular trips in the am peak and 13 no. additional trips in the pm peak hour. However, taking the worst case scenario into account, it is considered the development would have only a limited impact on the existing highway network and is therefore acceptable in this regard.

Consequently, in light of the above highway assessment, whilst the concerns raised by the objectors in this respect are acknowledged, the application is considered acceptable in respect of its potential impact upon pedestrian and highway safety and car parking provision in the vicinity of the site, subject to the conditions detailed below.

## **Public Health**

No objections have been received from the Council's Public Health and Protection Division. They did however note that a search of their records relating to potentially contaminating past land uses has shown that potential hazards associated with land contamination may exist on site given the previous industrial use. As such a condition is suggested requiring site investigations be undertaken at the site and the results be submitted to and approved by the Council prior to any development works being undertaken.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

## **Ecology**

The Council's Ecologist noted that the application site supports scrub and small trees and consequently there may be potential for reptiles and nesting birds to be present. Further, the site has a history of Japanese Knotweed which would need to be properly removed prior to development.

In light of these issues relevant ecology/arboricultural surveys have been submitted with the application which detail that no protected species or nesting birds are present on site, and also suggest a methodology for the eradication of Japanese Knotweed. The Council's Ecologist has assessed the relevant reports and commented that they have been undertaken to appropriate standards and the conclusions are reasonable. As such no objections are raised or conditions suggested. It was suggested however that a condition should be added to any consent to ensure that the Japanese Knotweed is properly removed. Whilst these comments are appreciated, Members are advised that the eradication of invasive plant species is not a material planning consideration and is the responsibility of the landowner. Further, this issue is better controlled through other legislation, i.e. the Wildlife and Countryside Act. Therefore it is not considered necessary or reasonable to add a condition to any consent ensuring appropriate removal of the plant.

## **Land Drainage and Flood Risk**

Following consultation no objections have been raised by the Council's Flood Risk Management (FRM) Section. The FRM Section noted that the surface water drainage details submitted with the application are appropriate and acceptable to

ensure the development would not result in a risk of flooding to the surrounding area. It was noted however that a condition should be added to any consent to ensure the development is carried out in line with the details submitted.

It is also noted that no objections were received from Dwr Cymru/Welsh Water or Natural Resources Wales, subject to standard conditions and advice.

In light of the above advice, the development is considered acceptable in respect of site drainage, subject to the condition detailed below.

### **Other Issues**

As no public open space/recreation area is proposed as part of the new development the Council's Parks Section has recommended that the Council seeks a financial contribution from the developer of £1000 per property to upgrade existing outdoor recreation facilities within the Hirwaun Ward. Members are advised that this is the same amount required within the previous residential development planning applications at the site in 2005 and 2011.

The Council's Education Section has noted that the potential number of children associated with the new properties could be accommodated within existing local schools. As such no financial contributions in this respect are necessary or requested.

It is noted that no objections were received from Wales and West Utilities, Western Power Distribution, South Wales Police, or South Wales Fire and Rescue Service, subject to standard conditions and advice.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- With regard to the issue raised by an objector in respect of views from neighbouring properties being obscured, this is not material planning consideration and cannot be taken into account during the determination of the application.

### **Section 106 Contributions / Planning Obligations**

Section 106 (S.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.

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: Planning Obligations.

In this case the developer will be required to enter into a S.106 agreement with the Council to make a contribution towards the improvement of existing outdoor play facilities in the Hirwaun Ward at a rate of £1000 per unit. It is considered that this requirement meets the aforementioned tests and is reasonable given the number of units proposed and because no such facilities are to be provided on site.

### **Community Infrastructure Levy 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 site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones and proposes 100% affordable housing where a £nil charge is applicable. Therefore no CIL is payable.

### **Conclusion**

The redevelopment of the site for residential purposes is acceptable in principle. Further, it is considered the site is capable of accommodating 22 no. dwellings as proposed without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of the surrounding properties. Furthermore, it is not considered the proposed development would have any undue impact upon highway safety in the vicinity of the site.

The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable, subject to the S.106 agreement set out above and the conditions detailed below.

### **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 plans ref. S.7567-01, S.7567-02, S.7567-03, S.7567-04,

S.7567-05, S.7567-06, S.7567-07, (90) 001A, (90) 001E, (90) 003A, (90) 004A, (90) 005B, (90) 006A, (90) 007B, (90) 008A, (90) 009A, (90) 010A, (90) 011A, (90) 012A and documents received by the Local Planning Authority on 16/07/18, 23/07/18, 21/08/18 and 17/10/18 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 commence until a scheme to deal with contamination has been submitted and approved by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  - i. A desk-top study carried out by a competent person 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.
  - ii. A site investigation shall be carried out by a competent person 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 completed satisfying the requirements of paragraph (i) above.
  - iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of 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.

4. The dwellings hereby approved shall not be occupied until the measures approved in the scheme referred to in Condition 3 have been implemented and a suitable validation report of the proposed scheme is submitted and approved 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.

5. If during development works any contamination should be 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 revised contamination proposals shall be submitted to 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.

6. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the road layout, footpath links, tie in details with existing garages, street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering details to the satisfaction of the Local Planning Authority.

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

7. No development shall commence on site, 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 highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Before the dwellings hereby approved are brought into beneficial occupation, the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan (90) 001E and approved in writing by the Local Planning Authority. The off-street car parking provision and turning area shall remain for the parking and turning of vehicles thereafter.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway, in accordance with Policy AW5 of the Rhondda

Cynon Taf Local Development Plan.

9. The dwellings hereby approved shall not be brought in to beneficial occupation until the site 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.

10. The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:
- a. Bus/train service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
  - b. Park and ride / park and share facilities and associated costs and restrictions on use of such facilities;
  - c. Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
  - d. Local and national cycle routes; and
  - e. Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant national and local planning policies, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No HGVs during construction shall access or leave the site between the hours of 08:30am to 09:30am and 14:30pm to 15:30pm on weekdays. HGV's used during construction shall be restricted to 09:00am to 13:00pm Saturdays, with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety, free flow of traffic and neighbour amenity, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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