



## **PLANNING & DEVELOPMENT COMMITTEE**

**7 NOVEMBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/1004/10 (GH)  
**APPLICANT:** H Galsworthy  
**DEVELOPMENT:** Demolition of the existing school and proposed residential development  
**LOCATION:** FORMER TONYPANDY PRIMARY SCHOOL, PRIMROSE STREET, TONYPANDY, CF40 1BQ  
**DATE REGISTERED:** 18/09/2019  
**ELECTORAL DIVISION:** Tonypandy

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**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT**

#### **REASONS:**

The site is located within the settlement boundary and the principle of residential development would be therefore be acceptable and compatible with surrounding land uses.

The new dwellings would benefit from being sustainably located and convenient for public transport and links for onward travel. They would also be within walking distance of a range of shops, services and facilities.

The proposed development would provide a valuable contribution towards addressing local housing needs as identified by the Council's Local Housing Market Assessment.

In addition, the design and scale of the development would be sympathetic to the surrounding built environment and contribute towards an attractive street scene; making use of a redundant building and brownfield site.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Service Director, Prosperity and Development.

## **APPLICATION DETAILS**

Full planning consent is sought to demolish the former Tonypandy Primary School, Primrose Street, Tonypandy and construct twenty-one affordable dwellings in its place.

All of the properties would comprise the same external materials, with elevations of reconstituted stone and white render, and upvc windows of a light grey frame. The designs are contemporary in style and the following mix of dwellings are proposed:

- 8 x three-bedroom houses arranged as two terraces of four
- 12 x one-bedroom flats, arranged within two three-storey blocks
- 1 x three-bedroom adapted bungalow

In line with Design Quality Requirements for affordable housing, the houses and bungalow would have separate rear gardens, with external storage and direct access to the parking area. Conversely the flats would benefit from shared external amenity space, with provision for cycle storage and drying.

Currently the only vehicular access to the site is via a back lane leading from Derwydd Road to the south-east, so it is proposed that a new access would be created in the boundary fronting Primrose Street, with the new internal road laid out in a 'T' formation.

Thirty-two off-street parking spaces would be provided at either side of the turning head and in front of the central block of flats, whilst the open spaces around them supported by sections of wildflower and shrub/tree planting. Further planting would enhance the street scene at the front of the site, together with a planted bank adjacent to the rear wall abutting Kenry Street.

In addition to the submitted plans and elevation drawings, the application is accompanied by the following supporting documents:

- Pre-application Consultation Report
- Design and Access Statement
- Planning Statement
- Site Investigation Report, and Coal Mining Risk Assessment
- Drainage Strategy
- Extended Phase One Ecology Survey
- Bat Survey Report

The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017–23 and LDP Policy NSA11 and the scheme has been designed on behalf of Cynon Taf Community Housing Group to meet identified local housing need.

## **SITE APPRAISAL**

The former Tonypany Primary School consists of two separate Victorian buildings which occupy a site close to the centre of Tonypany, and around 80m to the south-west of the retail zone.

Both buildings are of single storey construction, albeit of sizeable scale, and comprise elevations of dressed stone, with stone cills and heads, and decorative red face brickwork. The fenestration is of typical Victorian proportions.

Currently, there is a vehicular entrance from an adopted rear lane to the southern boundary of the site leading from Derwydd Road, whereas the pedestrian entrances are directly from Primrose Street and via a footpath to the north.

There is a considerable easterly fall in levels such that the boundary with Kenry Street to the south-west is a large retaining wall, whereas the school buildings fronting onto Primrose Street to the north-east are at a level higher than the highway. This engineering has meant that the site is relatively flat and was able to accommodate a playground.

The site, which is within the defined settlement boundary, is located within a High Risk Coal Area, and part of a Registered Landscape of Outstanding Historic Interest in Wales.

## **PLANNING HISTORY**

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

**19/5042/41:** Pre App Enquiry. Decision: 04/07/2019, Raise No Objection

## **PUBLICITY**

The application has been advertised by direct notification to fifty-four neighbouring properties and notices were erected on site. Furthermore on account of the scheme being classed as 'major development' a notice was placed in the press.

However a resident of Primrose Street advised that site notices had been removed, consequently seven replacement notices were erected within Primrose Street, together with another in Kenry Street, allowing a further 21 days to the public consultation period from the date of their display.

At the time of writing no letters of objection had been received from neighbouring residents.

## **CONSULTATION**

### The Coal Authority

Considers that the content and conclusions of the Geotechnical and Geo-Environmental Report (14920 dated August 2019) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Terra Firma (Wales) Limited) that the application site is safe and stable for the proposed development.

### Dwr Cymru Welsh Water

Notes that foul water flows are proposed to be disposed of via the public sewer network, and requests a condition in respect of surface water run-off.

### Public Health and Protection

Conditions to deal with site contamination and hours of operation are recommended. However, it is considered that further conditions, relating to demolition, noise, dust and waste, can be incorporated within an informative note as they are matters that can be controlled by other legislation.

### Glamorgan-Gwent Archaeological Trust

Archaeological mitigation is required, therefore a condition and informative note is requested in respect of a programme of historic building recording.

### Highways

No objection subject to conditions and informative notes.

### South Wales Police

South Wales Police has been engaged in pre-application consultation with developers with regards to this proposal and is happy with the proposed layout and that the developer has indicated that the development is to be built to Secured by Design standards.

### Western Power Distribution

Any new service connection or diversion would require an application to be made to WPD.

### Wales and West Utilities

WWU has provided a plan and a list of general conditions for the benefit of the applicant.

### Countryside – Ecologist

No objection, subject to conditions.

### Natural Resources Wales

Does not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned, but notes that an EPS licence would be required.

### Waste Services

Waste Services policy is to not collect any waste from private drives and that new residents should place their waste at designated Bin Collection Points in the turning area & the kerb side.

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 Tonypany

**Policy CS1** – emphasises sustainable growth in the northern strategy area, achieved by promoting residential development in locations which support and reinforce the roles of Key Settlements, and ensuring the removal and remediation of dereliction by promoting the re-use of previously developed land.

**Policy AW1** – The policy outlines how the housing land requirement will be met, and includes the development of unallocated sites within the defined settlement boundaries.

**Policy AW2** – The policy ensures that development proposals are only supported when located in sustainable locations. Such locations would not unacceptably conflict with surrounding uses, have good access to key services by a range of sustainable transport options, and support the roles and functions of Key Settlements.

**Policy AW4** – The policy details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

**Policy AW5** – The policy sets out criteria for appropriate amenity and accessibility on new development sites.

**Policy AW6** – The policy promotes development proposals which are of a high standard of design appropriate to the local context, and protects and enhances the landscape and cultural heritage of Rhondda Cynon Taf.

**Policy AW8** – The policy protects the natural environment from inappropriate development unless there would be no unacceptable impact upon the features of importance to landscape or nature conservation, including locally distinctive trees and woodland.

**Policy AW10** – The policy prevents development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

**Policy NSA2** – supports proposals for residential development within the Key Settlement of Tonypany where the development is of a high standard of design and promotes the beneficial re-use of vacant and under used floor space.

**Policy NSA10** – stipulates that the net residential density must be a minimum of 30 dwellings per hectare, and lists criteria where lower density levels are permitted.

**Policy NSA11** – seeks a provision of at least 10% affordable housing on sites of 10 or more units.

**Policy NSA12** – requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area. Contaminated land must also be adequately remediated.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- 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 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) 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 1 - Housing  
PPW Technical Advice Note 12 - Design  
PPW Technical Advice Note 18 - Transport

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

#### **Principle of the proposed development**

Permission is sought to demolish the former Tonypandy Primary School and construct an affordable housing development of twenty-one dwellings.

The site is situated in the Northern Strategy Area within the defined settlement boundary (LDP Policy NSA 12) and consequently a minimum provision of 10% affordable housing is required in order to comply with Policy NSA11. However since this is an affordable housing scheme where the applicant is proposing that all of the units are affordable dwellings, the policy requires no further consideration..

The minimum net residential density permitted by Policy NSA10 is 30 dwellings per hectare. The site is approximately 0.38 hectares, therefore resulting in a net residential density of approximately 55 dwellings per hectare. The proposal subsequently complies with Policy NSA10.

The development of unallocated sites within the defined settlement boundary is supported by Policies AW1 and AW2. The proposal also complies with national guidance and Policies NSA2 and CS1 which promote the redevelopment of previously used land or vacant sites.

The site is within the defined settlement boundary and would be a short walking distance from the key services and facilities within the retail centre of Tonypandy. The site would also be accessible by sustainable transport modes including bus, train, foot and bicycle, and in terms of Policy AW2 can be considered a sustainable location.

In principle therefore, the development would be considered acceptable.

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

The submitted drawings illustrate that the three-bedroom houses would be arranged in a linear pattern, parallel to Primrose Street, which would reflect the general arrangement of the traditional Victorian terraced dwellings.

However, on account of the school site being on raised ground the new properties would be at a higher level than both the older dwellings and Primrose Street itself, and would be set behind the existing retaining wall with a separate footpath access to each.

Although the ridge heights of the new dwellings would be higher than the Victorian houses, this is not considered to compromise the street scene inasmuch as the mass and height of the existing school building is already much higher.

Currently the only vehicular entrance is via a narrow rear lane leading from Derwydd Road to the south-east, which neither benefits from suitable width for passing vehicles, or could accommodate a footway, so the need for a new entrance is not disputed.

To enable an entrance from Primrose Street some of the front retaining wall would be removed so that the site could be part regraded to form the site entrance. To reflect the fall towards the entrance the new houses would be stepped down in level.

Some consideration was given as to whether this was preferable, visually, to having the eight houses all at the same level. Nonetheless it is acknowledged that to do so at either the level of the current site or that of Primrose Street would require significant re-engineering and retaining features, particularly within the site, and that would limit the most efficient use of the land.

To the rear of the site the flats and bungalow would also be arranged parallel to the highway, in this case, Kenry Street. The site boundary with Kenry Street is characterised by a large retaining wall so the new buildings would be set at a sufficient distance from this to allow a reasonable outlook and natural light. In addition, the mass of the wall would be reduced by the creation of a planted bank.

Within the central part of the site the land has been laid out for parking and as garden space for the dwellings of the eight houses. With this type of layout the key concern is to try and minimise, where possible, a development appearing to be dominated by car parking and boundary treatments.

As a way of avoiding this the possibility of relocating some parking to the rear of the flats was considered by the developer. This would have required the flats to have been positioned away from the retaining wall, and the consequences for the layout of the site or the impact on neighbouring properties meant that this would not have been practical.

Nonetheless the applicant would be expected to demonstrate that the car park and adjoining small landscaped areas had been designed to be an attractive space and to ensure natural surveillance to discourage anti-social behaviour. The submitted plans do



indicate that the central area would be well overlooked, particularly by the flats and bungalow.

Furthermore the design of the shared space would use a range of quality materials and the boundary walls of the dwellings would be a combination of stone to the side, and stone with timber infill panels to the rear. There would be formal and less formal planted landscaped sections, with four evergreen street trees, which would soften hard landscaping.

Although, at the time of writing, no representations had been received, the PAC report makes reference to comments questioning the contemporary design of the new properties, when the surrounding development primarily comprises stone-faced Victorian dwellings, some with render.

Since much of the development and views towards it from Kenry Street would be screened by the retaining wall, the question of assimilation is probably more pertinent to Primrose Street.

Firstly, it is acknowledged that most of the existing front stone wall would be retained, which would help to maintain a sense of continuity. Secondly, although the designs of the new properties are indeed modern, it is considered that it would be preferable for the development to be distinct and reflect the existing break in the terrace than to try and create a pastiche of the surrounding properties.

Consequently, subject to a condition requiring the submission of details of the proposed stonework to be used within boundary treatments and elevations, the development is considered to be acceptable in terms of its design, scale and overall appearance within the street scene.

### **Impact on neighbouring occupiers**

In respect of the existing properties at Primrose Street, two of the new houses, adjacent to no's 93 and 94 may have some oblique rear views towards neighbouring gardens. In addition, the new houses would directly face those on the opposite side of Primrose Street, where the windows of habitable rooms might enjoy reciprocal views towards each other.

However, whilst this is of some concern, the new dwellings replicate the existing relationships between opposing terraced dwellings, not just in Primrose Street or this part of Tonypany, but in many other settlements within the County Borough. Furthermore, the context elevations, with the outline of the school building superimposed, show that the mass of the new houses would be less, and lower, than the extant elevations.

Therefore, noting the historical context and betterment to outlook, noting that there have been no neighbour objections relating to privacy, the arrangement is considered to be appropriate.

With regard to existing dwellings at Kenry Street, the street scene elevations provided by the applicant show that the top floor and roof of the flats would project above the level of the boundary wall, in a similar way to how part of the school building is currently visible.

The properties on the south-western side of Kenry Street are higher than the level of the road, which suggests that there would be no overlooking or harm to the amenity of existing residents. For those properties adjacent to the site, the bungalow would be constructed adjacent to no. 69 Kenry Street and both its single storey height and low site position indicate that the occupiers of no.69 would be unaffected.

Lastly, the relationship between the flats, specifically plots 16-21, and the neighbouring house no.70 Kenry Street was considered. It was noted that ridge height of the flats would be lower than that of no.70 and their position to the north-west of this house would render any overshadowing unlikely.

This indicates that the top floor flat windows would be almost at the same level as the ground floor of no.70, and any overlooking would be limited. Moreover, as a result of the responses to the PAC, the developer removed the windows to the south-eastern side elevations of plots 16-21 and incorporated privacy screens to the balconies.

Additionally any views down towards properties at Primrose Street to the east would be less intrusive than from the existing Kenry Street dwellings.

On balance, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

### **Highways and accessibility**

The submission does not include a Transport Statement setting out the proposed development in compliance with PPW10, Active Travel, impact on local highway network and mitigation measures to encourage sustainable modes of travel, however, information relating to trip generation, sustainable location of the site and parking provision is included within the Design and Access Statement and has been considered below: -

Paragraph 7.1 of the Design and access statement indicates that baseline traffic flows were determined by Automatic Traffic Counts (ATC) over a 7-day period between 16/2/19 and 23/02/19.

#### Trip Generation

Paragraphs 7.28 – 3.42 of the Design and Access Statement consider trip generation derived from the Trip Rate Information Computer System, (TRICS) for the former school and proposed development, however, the full TRICS data has not been included within the submission and due to the lack of comparable sites average trip rates have been utilised which gives cause for concern.

A summary of the peak hour trip generation is provided within paragraph 3.41 which is reproduced below: -

Peak period	Vehicle trip rates		
	Arrive	Depart	Total
Previous use			
0800-0900	30	21	51
1700-1800	0	0	0
Proposed 21 residential units			
0800-0900	2	4	6
1700-1800	5	3	9
Peak hour difference			
0800-0900	-28	-17	-45
1700-1800	+5	+3	+9

#### Access (Primrose Street)

The proposed is served off Primrose Street which has a carriageway width of 7.5m with school keep clear markings on the development side and resident permit holder parking on the opposite side. Primrose Street is heavily parked due to the nature of terraced streets with limited off-street car parking facilities.

Primrose Street is subject of a 20mph speed limit with speed humps located along the length.

Pedestrian access is gained via 1.8m continuous footways which is acceptable for safe pedestrian movement.

Existing zig-zag 'School Keep Clear' road markings associated with the former use of the site as a primary school are in place along the site frontage/ Primrose Street and will need to be removed to facilitate the proposed development. The Council's Traffic Services Section advise that the estimated cost to amend the TRO to allow the applicant to remove the markings in terms of staff time, advertising and legal costs would be £3,500 and a condition is suggested accordingly.

The site has significant retaining walls along the site frontage at Primrose Street and retaining walls along the frontage of Kenry Street which retain the highway. No assessment of these retaining structures has been included within the submission, however, a condition is suggested to ensure that the adequacy of the existing retaining

structures and impact of any changes are assessed by a structural engineer and any mitigation works required undertaken.

### Vision Splays

The access to the proposed development would be from Primrose Street which has a 20mph speed limit and traffic calming in the form of speed humps, therefore in accordance with Tan 18: Transport, Table B, vision splays of 2.4m by 22m would be required.

Information obtained as part of the Automatic Traffic Counts undertaken by the applicant between 16/2/19 and 23/2/19 indicate that the 85th percentile speed in the vicinity of the proposed access were 14.9mph northbound and 16.4mph southbound. The raw data of the traffic count has not been provided and there is no indication as to whether these are wet weather speeds, however, given the constraints of the site with 20mph speed limit and physical traffic calming in the form of speed humps the figures appear reasonable.

Submitted Drawing No. S.7702-09 Rev C titled 'External Works Layout' indicates vision splays of 2.4m by 25m can be achieved and on this basis junction vision splays are in excess of the minimum required by TAN 18 and are therefore acceptable.

### Internal Layout

Submitted Drawing No. S.7702-09 Rev C titled 'External Works Layout' shows the proposed access from Primrose Street to incorporate; 6.0m junction radii, 5.5m carriageway width with 2m wide footways on both sides which tie into the existing 1.8m wide footways at Primrose Street and a full size turning head in accordance with the RCT Design Guide and on this basis the internal layout of the access road is considered acceptable.

### Parking

Paragraph 7.9 of the Design and Access Statement outlines parking provision as follows:-

<b>Dwelling type/no. of units</b>	<b>Parking standard</b>	<b>Maximum Parking provision</b>	<b>Proposed Parking provision</b>
9 x three bed	1 space per bedroom (max 3)	27	18
12 x one bed	1 space per bedroom	12	12
Visitor spaces	1 space per 5 units	4	2
<b>Total</b>		<b>43</b>	<b>32</b>

The proposed parking provision is short of that required by the Council's SPG; Access, Circulation and parking (March 2011), however, paragraphs 7.13-7.19 of the Design and Access Statement provide justification as follows: -

*7.13 Statistical Bulletin (SB100/2013) 'People and Licensing and Vehicle Ownership, 2012' states that 23% of households in Wales do not have access to a car. However, this figure rises substantially to 53% of households that are housing association (social rent) accommodation. It is considered housing tenure has a significant impact on car ownership rates, with only 13% of open market houses having no access to a car. As stated previously, whilst the scheme is likely to provide accommodation for social rent, rates for private rent have also been considered. Statistics are available for houses that are rented (either social or private) with 44% of households having no access to a car*

*7.14 In addition, a UK government study carried out in 2007 entitled 'Residential Car Parking Research' states that tenure is an influence on household car ownership levels and social housing tend to have 'fewer cars than owner-occupied households that are similar size and type'.*

*7.15 The above study is supported by the 'People and Licensing and Vehicle Ownership, 2012', which states that: "44 per cent of households that are social or private rented in Wales did not have a car or van in the household."*

*7.16 It should be noted that the above car ownership rates are for housing of all sizes and it has not been possible to establish car ownership data for flats. The Statistical Bulletin does, however, identify that across Wales 45% of one person households (typically associated with smaller houses or flats) have no access to a car compared with 23% average for all household types.*

*7.17 The most recent evidence of car ownership rates can be obtained from the 2011 Census and is consistent with the findings of the Government's 2007 Residential Car Parking Research, RCT's 2006 Housing Needs Assessment and Statistical Bulletin (SB100/2013).*

*7.18 The table below provides data obtained from the 2011 census, setting out car ownership based on the size of households within the middle layer census ward that includes Tonypany.*

<b>Cars - 2011</b>	<b>Households (no.)</b>	<b>Households (%)</b>
No cars or vans in household	870	31%
1 car or van in household	1,204	43%
2 cars or vans in household	565	20%
3 cars or vans in household	142	5%
4 or more cars or vans in household	23	1%
<b>All categories: Car or van availability</b>	<b>2,804</b>	<b>100%</b>

7.19 As such, within the middle layer census ward identified above, 94% of households in Tonypanyd have access to 2 cars or fewer, with only 6% with access to 3 cars or more.

Paragraph 7.22 of the Design and Access Statement confirms that provision of secure cycle parking will be provided in accordance with the Council's SPG and incorporated into the design of the proposed dwellings and secure cycle parking facilities would be incorporated into the site layout for the proposed 1 bed flats.

On this basis the parking provision is reluctantly considered acceptable subject to a S106 agreement to include contributions towards mitigation of lower car parking provision should the site be sold for private development.

### Active Travel

The Planning Policy Wales 10 (PPW10) and Active Travel (Wales) Act 2013 set out walking and cycling as well as public transport at the top of hierarchy of sustainable modes of travel. As such it is a requirement that Safe Routes in communities are assessed and where required mitigation measures or contributions made to the Council for comprehensive improvements to cycle and pedestrian and well as public transport facilities to encourage sustainable modes of travel.

No assessment of Active Travel routes between the proposed development and local amenities and facilities is provided, however, considering the former use of the site as a primary school routes to the site would have been available and satisfactory in accordance with Learner Travel/ Safer Routes in Communities.

### Sustainable Transport

Walking: The site is located within easy walking distance of the local Retail centre of Tonypanyd and associated local amenities and facilities.

**Cycling:** Cycle Route 881 runs through Porth and Birchgrove which is approximately 2km from the site. The site is also close to the proposed Active Travel Route between Tonypoandy and Penrhiwfer which would afford opportunity for walking and cycling to the wider area upon completion.

**Bus:** The site is located approximately 200 m from existing bus stops at Dunraven Street which are served by bus services 120, 122, 130, 152 ,153 170, 173 and 175, which provide direct travel and connections to Caerphilly, Porth, Pontypridd, Cardiff and Porthcawl.

**Rail:** Tonypandy Railway Station is located approximately 500m from the site and is easily accessible on foot. The station provides regular services to Treherbert and Cardiff where the national rail network can be accessed.

### Residential Travel Plan (RTP)

The Design and Access Statement indicates that the developer would seek to develop a travel plan to enable all users of the site to make more informed decisions about their travel and increase attractiveness of travel by sustainable modes to minimise impact on the surroundings. The provision of a Residential Travel Plan is recommended to be secured by means of a suitably worded condition.

### Conclusion

Peak hour trip generation is shown to be less than that associated with the former use of the site as a primary school.

The proposed access off Primrose Street is acceptable in terms of junction geometry and vision splays.

The existing site has significant retaining structures along frontages with Primrose Street and Kenry Street which are adjacent to and retain the highway, In the absence of a structural assessment included within the application the requirement for the existing walls to be assessed in light of the development and alterations proposed is considered essential to avoid any adverse impact on the adjacent highway and a condition is suggested accordingly.

Internal access roads shown on submitted drawing No. S.7702-09 Rev C titled 'External Works Layout' are acceptable in principle subject to approval of detailed design which can be conditioned accordingly.

Parking requirements in accordance with the Councils SPG would be 43 off street spaces with 32 spaces proposed which gives cause for concern, however, justification for the reduced parking provision is provided on the basis of the lower levels of car ownership associated with social housing and single bedroom flats which is evidenced by

government reports and census data and statistics relevant to the locality. Information within the Design and Access Statement indicates that cycle parking is to be provided in accordance with the Council's SPG and that the development is in a sustainable location within walking distance of local amenities and facilities including public transport which would reduce reliance on the private car as a means of transport. On this basis the parking provision is reluctantly considered acceptable subject to a S106 agreement to provide for mitigation of the low parking provision should the site be sold for private development.

The Design and Access Statement indicates that the developer would seek to develop and provide a Residential Travel Plan to encourage sustainable travel and a suitably worded condition is suggested accordingly.

## **Ecology**

The Council's Ecologist has advised that the application has been supported by a very competent bat and ecology survey which has found a small common pipistrelle bat roost in one of the buildings. A European Protected Species licence will be required and as a fairly minor roost, mitigation is likely to be achievable.

In addition a condition is requested to ensure that the list of species avoidance and enhancement measures as set out in Section 4 of the Extended Phase One Ecology Survey, is provided as part of the redevelopment. Condition 11 is proposed in this regard.

## **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 proposed development, on behalf of the Registered Social Landlord Rhondda Housing Association, would provide 100% affordable housing for social rent.

Therefore a S106 agreement will be required to ensure that the dwellings are established and 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 site 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 both the core, area wide and Northern Strategy Area policies 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 re-use of an existing brownfield site.

### **RECOMMENDATION: GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT**

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 drawing numbers:

1. A003
2. A004
3. A005
4. A006
5. A007
6. A008
7. A009
8. A010
9. A011

- 10.A013
- 11.S.7702-03c
- 12.S.7702-06c
- 13.S.7702-09c

and documents received by the Local Planning Authority on 13<sup>th</sup> September 2019, 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. No development shall commence, including any demolition, until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

This work must be undertaken to the Chartered Institute for Archaeologists (ClfA), "Standard and Guidance for Building Recording" ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a ClfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence until full engineering design and details of the internal access road and junction with Primrose Street, including sections, street lighting, highway structures, traffic management measures, turning facilities, footways and highway surface-water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. No development shall commence until a condition survey and structural assessment of the retaining walls adjacent to Primrose Street and Kenry Street has been undertaken and details of the report and any mitigation measures have been submitted and approved in writing by the Local Planning Authority

Reason: To ensure the adequacy of the retaining structures to ensure no

adverse impact on highway safety and structural integrity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to beneficial occupation of the new dwellings a scheme for the removal of zig zag 'School Keep Clear' road markings in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.

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

7. 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 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.

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

8. A) No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the LPA. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

- i). 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 (1) above.
- ii). A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA 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 LPA.

B) The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

C) 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 work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

D) Any scheme to import topsoil [natural or manufactured], or subsoil shall be undertaken in accordance with WLGA guidance: Imported Materials Guidance Notes

<http://www.rctdoc.gov.uk/en/relateddocuments/publications/environmentproject/wlgaimportedmaterialsvalidationmay2013.pdf>

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until the following have been submitted to and approved by the Local Planning Authority:

i) Samples or details of the stone and reconstituted stone, to be used for both new boundary treatments and property elevations, Submitted details should indicate where stonework from the existing buildings is to be reused as part of the development.

ii) Details of the design of the external bin store.

Reason: In the interests of visual and residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

10. All HGV deliveries during the construction period shall only take place between the hours of 09:00 am and 16:30 pm on weekdays to and from the site.

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

Plan.

11. Within one month of each dwelling being occupied the developer shall provide the occupier 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;
- (e) Sustainability voucher; and
- (f) Any other measures that would encourage use of sustainable modes of travel.

Reason: To encourage a sustainable mode of travel and reduce reliance on the private motor vehicle, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Measures to protect and retain resources for nesting birds and bats shall be provided and maintained in perpetuity in accordance with the details contained within 'Section 4 – Recommendations and Mitigation' of the Extended Phase One Ecology Survey, produced by Dawn to Dusk Ecology (July 2019).

Reason: To ensure the development is carried out with no harm to European Protected Species, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

13. 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.

14. 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.