



PLANNING & DEVELOPMENT COMMITTEE

25 MARCH 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

Application No: **19/0421/10 - Erection of 6 no. detached dwellings, Land to the rear of Trefelin, Trecynon, Aberdare**

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 25th February 2021 Planning and Development Committee meeting with a recommendation of approval (a copy of the original report is attached as Appendix A). At that meeting Members were minded to refuse the application contrary to the recommendation. Members considered:

1. The introduction of 6 no. dwellings at the site would result in a significant increase in vehicle movements along the highway infrastructure in the locality, with the site access located in close proximity of the busy junctions of Trefelin and Harriet Street, the main thoroughfare through the village, and the Harriet Street roundabout at the A4059, the main highway through the Cynon Valley, to the detriment of safety of all highway users.

Further, the proposed access route to serve the main development plot would result in an intensified use of the lane to the rear of the adjacent

properties along Harriet Street, which is a Public Right of Way, to detriment of safety of all highway users here, with particular reference to pedestrians using the lane and crossing the new access point.

Consequently, the proposed development would result in a detrimental impact upon pedestrian and highway safety for both existing and future residents and is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The considerations regarding the issues detailed above are set out in full within the original report, however, a brief summary is provided below:

In an assessment of the scheme the Transportation Section commented that the development site would be accessed off Trefelin via a newly formed junction.

It was noted that there is some concern with regard the proximity of the new access onto Trefelin with the busy junction of Trefelin and Harriet Street and also with pedestrians crossing the new junction. However, the proposed new junction would comply with the relevant technical guidance and it was considered a speed reducing feature could be incorporated along the access road close to its junction with Trefelin to mitigate the concerns with regard pedestrians crossing. As such, the scheme was generally considered acceptable in terms of highway safety, subject to mitigation measures and the relevant conditions set out in the original report.

As such, whilst the scheme is generally considered acceptable in highway safety terms, there is some concern with both the new access itself and its proximity to the nearby junctions of the two busiest roads in the village.

The introduction of 6 no. dwellings at the site will inevitably increase vehicle movements along the highway infrastructure in the locality, putting significant pressure on the existing highway network here and the already very busy junctions in the vicinity, to the detriment of safety of all highway users. Furthermore, the proposed access route would result in an intensified use of the lane to the detriment of safety of all highway users here, with particular reference to pedestrians using the lane and crossing the new access point at Trefelin.

Consequently, the proposed development could therefore be considered unacceptable in respect of its potential impact upon highway safety.

Conclusion

Whilst the application is recommended for approval, subject to the conditions set out in the original report, if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would reflect those views:

1. The introduction of 6 no. dwellings at the site would result in a significant increase in vehicle movements along the highway infrastructure in the locality, with the site access located in close proximity of the busy junctions of Trefelin and Harriet Street, the main thoroughfare through the village, and the Harriet Street roundabout at the A4059, the main highway through the Cynon Valley, to the detriment of safety of all highway users.

Further, the proposed access route to serve the main development plot would result in an intensified use of the lane to the rear of the adjacent properties along Harriet Street, which is a Public Right of Way, to detriment of safety of all highway users here, with particular reference to pedestrians using the Public Right of Way and crossing the new junction onto Trefelin.

Consequently, the proposed development would result in a detrimental impact upon pedestrian and highway safety for both existing and future residents and is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

25 FEBRUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0421/10 (MF)
APPLICANT: Mr J Evans
DEVELOPMENT: Erection of 6 no. detached dwellings (amended plans received 22/07/19).
LOCATION: LAND TO THE REAR OF TREFELIN, TRECYNON, ABERDARE.
DATE REGISTERED: 29/01/2021
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Approve

REASONS: Whilst it is acknowledged the development would considerably alter the character and appearance of what is currently a Greenfield site, the application site is located within settlement limits where the principle of development is generally considered acceptable, and furthermore, the plot benefits from a history of planning permissions for residential use. Additionally, the proposed dwellings are considered acceptable in terms of their overall scale, design and visual appearance, and it is not considered they would have any undue impact upon the amenity and privacy standards currently enjoyed by the nearest residential properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

The scheme proposes 5 no. or more dwellings and 3 no. or more objections have been received.

APPLICATION DETAILS

Full planning permission is sought for the erection of 6 no. detached dwellings on land to the rear of Trefelin, Aberdare.

The proposed dwellings would be arranged in an 'L' formation along the northern and western boundaries of the plot, orientated into the site to address a new turning head and access road. Each of the dwellings would be sited centrally within their plots, having 3 no. off-street parking spaces to the front and enclosed gardens to the rear. They would all be of the same modern design and scale, each measuring 10m in width by 9m in depth, incorporating pitched roof designs to 8m in height and gable/bay window features within the front elevation. Each unit would accommodate 4 no. bedrooms and a bathroom at first floor level, with various living accommodation across the ground floor. External materials would form a mix of red face brick and render with artificial slate roof tiles and white uPVC. The curtilages would be enclosed with 0.8/2m high timber boundary fencing.

Access to the site would be gained via an existing private lane off Trefelin to the south-east of the main plot. The lane would be widened to 5.5m in width with a 2m wide footway along its southern flank as part of the scheme, forming an adoptable public highway. The lane currently forms Public Right of Way (PROW) ABD/15/3. It is therefore proposed the new footway would maintain public access, but it is noted that the upgrading of the lane would require the existing route of the PROW to be diverted to the rear of 4 no. trees roughly halfway along the lane that are protected by Tree Preservation Order (TPO) 135 (G1). These trees would remain following development but various other trees/vegetation along the lane would need to be removed.

The scheme also proposes a landscape buffer between the upgraded access and the adjacent properties along Harriet Street to the east. Additionally, following initial concerns raised by a number of residents of Harriet Street, amended plans were received on 22/07/19 which detail that access to the rear of their properties from the upgraded lane would be provided.

It is noted that the site access is not under the ownership of the applicant and is unregistered. The applicant has therefore undertaken all reasonable steps to find out who the landowner is prior to submitting this application but has been unsuccessful in his search. As such Ownership Certificate D has been completed and the relevant notice process undertaken, advertising the planning application within a local newspaper prior to submission. No public response was raised following this process.

The application is accompanied by the following:

- Coal Mining Risk Assessment
- Environmental Noise Survey
- Ecological Survey and Scoping Assessment
- Dormouse Assessment and Enhancement Proposals

SITE APPRAISAL

The application site is split in to two separate elements, the main development plot to the rear (north-east) of nos. 127 – 129 Trefelin; and the access lane leading to the site from Trefelin to the rear (west) of nos. 37A – 40C Harriet Street.

The main plot is roughly rectangular in shape, amounting to approximately 7000m². It forms an open field that rises gently from north-east to south-west and is currently used for horse grazing. The field is enclosed on all sides by mature trees/hedgerows which would remain following development, with access gained from the north-eastern corner. The residential areas of Trefelin and Potters Field are located to the south and east. The A4059 is located directly to the north, with open countryside located to the west.

The access lane forms PROW ABD/15/3 (a section of the Cynon Trail) which leads from Trefelin to several fields to the north/west of the main residential area. The section of lane to the rear of 37A – 40C Harriet Street is tarmaced, but not adopted, with the remainder up to the main development plot being a dirt track. A group of 4 no. trees sited roughly halfway along the lane are protected by TPO 135 (G1). These would remain following development.

PLANNING HISTORY

Previous planning applications submitted at the site:

12/1281	Renewal of consent – 07/1922/10 – 1 residential dwelling and detached garage	Granted	07/02/13
12/0859	Development of 6 dwellings	Granted	17/01/14
11/1334	Development of 6 new dwellings on site within LDP	Refused	21/06/12
11/0092	Outline application for 4 residential dwellings	Refused	30/06/11
10/0357	Outline planning for 19 new dwellings on existing vacant land	Refused	06/09/11
		Appeal dismissed	29/05/12
07/1922	Proposed new dwelling and detached garage	Granted	21/12/07
07/1096	Proposed new dwelling and detached garage	Refused	28/09/07

07/0592 Proposed new dwelling and detached garage

Refused

24/05/07

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. Two letters of objection and a petition signed by six residents of the adjacent properties along Harriet Street have been received, making the following comments (summarised):

- The proposed access is in close proximity of the junction of Trefelin and Harriet Street. As such it will be difficult for vehicles to enter/exit the site, resulting in a detrimental impact upon highway safety in the vicinity.
- The proposed development would remove the existing PROW.
- The proposed development would have a detrimental impact upon ecology on and around the site.
- The proposed development would have a detrimental impact upon trees and hedgerows on and around the site. A number of trees along the site access are protected by a TPO.
- Dwellings at the site would result in noise and light pollution to surrounding residents.
- Construction traffic would result in noise and disturbance to surrounding residents.
- The development of the field may result in surface water flooding to the surrounding area.
- The existing public sewerage system in the area is at capacity. Further properties at the site would exacerbate this issue.
- The proposed development would conflict with the aims of the Well-being of Future Generations (Wales) Act.
- Japanese Knotweed is present along the access lane. Development at the site could lead to this spreading to the surrounding area/properties.
- The adjacent properties along Harriet Street have rear access from the service lane. The development would remove this.
- The development may result in damage to neighbouring properties.

- The applicant does not own the access lane leading to the site.
- The plans are not an accurate representation of the proposed development.

CONSULTATION

Transportation Section – No objection, subject to conditions.

Countryside, Landscape and Ecology – No objection, subject to conditions.

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

Flood Risk Management – No objection, subject to condition.

Public Rights of Way Officer – No objection. Standard advice offered.

Waste Services – No objection.

The Coal Authority – No objection, subject to condition.

Dwr Cymru Welsh Water – No objection, subject to standard conditions and informative notes.

Wales and West Utilities – No objection, subject to standard conditions and informative notes.

Western Power Distribution – No objection. Standard advice offered.

South Wales Fire and Rescue Service – No objection. Standard advice offered.

South Wales Police – No objection. Standard advice offered.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The main development area of the application site is located within the settlement boundary for Aberdare and is not allocated for any specific purpose, however, it is noted that a large section of the access lane is located outside of settlement limits.

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

Policy CS4 – outlines the extent of the housing requirement that needs to be delivered through the plan period.

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 AW7 – identifies that proposals which impact upon sites of architectural or historic merit or affect areas of public open space, allotments, public rights of way, bridleways and cycle tracks will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

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

Supplementary Planning Guidance

- Design and Placemaking
- A Design Guide for Householder Development
- Nature Conservation
- Access, Circulation and Parking

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 (Edition 10) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 10: Tree Preservation Orders
- PPW Technical Advice Note 11: Noise
- 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.

Principle of the Proposed Development

Full planning permission is sought for the erection of 6 no. detached dwellings at the application site. Whilst it is acknowledged the plot currently forms a vacant field and its development would inevitably alter its current semi-rural character within the wider landscape, it is situated inside of the defined settlement boundary, directly adjacent to an established residential area. Furthermore, the plot has benefited from planning permission since 2007 and as a result, the principle of residential development at the site has long been established.

It is therefore considered the proposed development would be compatible with the surrounding land uses and the proposal is acceptable, in principle, subject to an assessment of the criteria set out below.

Visual Impact

The application site forms a vacant parcel of land between the existing residential estates of Trefelin and Potters Field (south-west) and the A4059 (north-east). It is therefore considered that the proposed development would form an appropriate rounding off of the residential settlement in this area of the village. Whilst it is accepted the development would inevitably alter the current semi-rural character and

appearance of the open land, the surrounding trees and hedgerows would remain following development resulting in an appropriate transition between the built up residential area to the south/east and the more rural area to the north/west.

With respect to the proposed buildings themselves, they are considered to be of a typical, modern, two-storey scale and design, 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 wider surroundings. Additionally, the proposed dwellings would be suitably arranged in spacious plots around the cul-de-sac and positioned roughly within the centre of each plot, allowing for adequate amenity space and parking/turning areas. As such, it is not considered the proposal would lead to an over intensive form of development and would also allow for a degree of landscaping to be introduced. It is considered that this will further act as an appropriate buffer between the existing residential area and countryside beyond.

Finally, whilst it is accepted that the proposed upgrading of the access lane will result in the loss of a considerable amount of vegetation along its length, the vegetation is largely scrub/bushes rather than mature hedgerow and therefore it is not considered its removal would result in a visual impact significant enough to warrant refusal of the application; and as set out in detail below, replacement hedgerow planting and landscaping will be required as part of the ecological mitigation/enhancement scheme which would soften any potential impact.

Furthermore, the upgrading works would be relatively minor in nature, simply involving the resurfacing and widening of the lane with no significant engineering works required to allow safe vehicle and pedestrian access. As such, the construction works themselves will not be readily visible from outside of the lane and will therefore have a limited visual impact on the surrounding area.

Subsequently, whilst it is acknowledged that any development at the site and along the associated access lane will undoubtedly result in a considerable alteration to its current semi-rural character and appearance, it is considered the proposed development would appear as an appropriate rounding off of the residential settlement in this area of the village and would not result in a visual impact significant enough to warrant refusal of the application. The proposed development is therefore considered acceptable in this respect.

Residential Amenity

It is not considered the proposed development would result in a significant impact upon the residential amenity and privacy standards currently enjoyed by the surrounding properties.

The proposed dwellings would be sited approximately 40m from the nearest existing property at Trefelin and approximately 60m from the nearest existing property at Potters Field. As such it is considered that sufficient separation distances would be maintained to ensure that no overshadowing or overbearing impacts would occur. Furthermore, the proposed site layout and orientation of the proposed dwellings, along with the separation distances and the fact that the trees/hedgerows along the boundaries of the main development plot will remain, will ensure that no undue overlooking would arise. Finally, whilst it is acknowledged that surrounding residents would be accustomed to the site being vacant and the access lane being primarily used by pedestrians and the introduction of a residential use would undoubtedly result in some disturbance, it is not considered any potential impact associated with 6 no. dwellings, within a residential area, would significantly increase levels of noise/disturbance/light above that which already occur.

It is acknowledged that a number of residents have expressed some concern with regard to the additional use of the access lane by construction traffic, commenting that the vehicles associated with the development of the site will cause nuisance and disturbance to neighbours by way of increased traffic movements and associated noise. Whilst unfortunate, it is inevitable that during the course of construction residents may observe an increase in traffic movements resulting from deliveries associated with construction. However, it is considered that this would occur over a limited period of time. Furthermore, Members are advised that should they be minded to approve the application, a condition is suggested below to control the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during the evenings, weekends and at peak traffic times which will ensue any potential impact in this respect is kept to a minimum.

Finally, it is acknowledged that the proposed residential units would be located in close proximity of the adjacent bypass road, the A4059, and therefore potential future occupiers may experience a degree of noise and disturbance. In this respect an Environmental Noise Survey report has been submitted with the application that identifies sound monitoring was undertaken at the site and that subsequent detailed assessments of the suitability of the site, in accordance with the relevant British Standards, has also been undertaken. The report concluded that the adjacent highway may result in some impact to future residents, but the impact would not be significant and the development would meet the requirements of the relevant British Standards in respect of noise, providing a number of sound proofing measures are introduced. The Council's Public Health and Protection Section have considered the noise assessment report and commented that it is an appropriate assessment and the conclusions are acceptable. As such no objections are raised, but it is suggested conditions be attached to any consent ensuring the mitigation measures set out in the report are implemented on site.

Highway Safety

No objections have been raised by the Councils Transportation Section following consultation, subject to a number of relevant conditions being attached to any consent.

In their assessment of the scheme the Transportation Section commented that the development site would be accessed off Trefelin via a newly formed junction. The new junction would have a 5.5m carriageway width, 6m radius kerbing with uncontrolled pedestrian crossing facilities either side, a 2m wide footway on one side (along which the existing PROW would be diverted), and vision splays of 2.4m by 21m to the left and in excess of 40m to the right. It is also noted that a continuous 0.5m wide footway has been incorporated on the eastern and northern flanks of the access road to accommodate services and the overhang of vehicles. As such, the proposed new junction complies with the relevant guidance set out in both Technical Advice Note 18: Transport and Manual for Streets, and is therefore considered acceptable. It is considered however that a speed reducing feature should be incorporated on the access road close to its junction with Trefelin for the benefit of pedestrians crossing the junction. As such a condition to this effect is suggested below.

With respect to parking, 3 no. off-street parking spaces would be provided within the curtilage of each dwelling in accordance with the guidance set out in adopted Supplementary Planning Guidance: Access, Circulation and Parking. As such the Transportation Section also have no concerns in this respect.

Therefore, in light of the above highways assessment, it is not considered the proposed development would result in any undue impact upon pedestrian and highway safety in the vicinity of the site, subject to the works set out in the conditions detailed below being carried out.

Ecology

Given the Greenfield nature of the main development plot and the need to widen the existing access lane, much of the existing grassland area and vegetation along the lane will be lost following development. In light of this an Ecological Survey and Scoping Assessment and a Dormouse Assessment and Enhancement Proposals addendum were submitted in support of the application.

The ecology reports highlight that the main development plot forms an area of horse grazed grassland generally enclosed by bramble, willow and scrub, and the access lane is also lined with the same along its southern flank, along with several mature trees. The grassland is comprised of a diverse range of species and will be of value for common grassland invertebrates; and whilst no roosts have been found, the areas of scrub along the lane will provide foraging and connectivity habitat for bats and will support nesting birds. Therefore, as very little hedgerow would be retained along the access lane, there will inevitably be an impact upon bats and nesting birds. Subsequently, a number of recommendations in respect of replacement hedgerow planting are suggested.

The reports also detail that both the main development plot and the access lane have potential for dormouse habitat, but that none were found onsite and therefore dormouse likelihood is low.

Following assessment of the reports the Council's Ecologist commented that they correctly indicate that the site has a local ecological value, and that very little habitat will be retained on the main development plot and that the lane side hedgerows/tree/scrub edges will be largely lost. However, the information submitted is generally sufficient to demonstrate that the proposed development would not result in a detrimental impact to any protected species, subject to the mitigation and enhancement measures set out in the ecology reports be implemented on site. Subsequently, there does not appear to be any significant, over-riding species or habitat constraints, and no objection is raised subject to conditions being added to any consent requiring the full details of the proposed ecology mitigation and enhancement schemes being submitted to and approved by the Local Planning Authority prior to any works starting on site.

Public Right of Way

As detailed above, the access lane which would need to be upgraded as part of the scheme forms a section of PROW ABD/15/3. Therefore, a formal diversion of the PROW will be required through a separate Public Path Diversion Order. The applicant has proposed that the PROW would now run along the new footway and therefore only a minor alteration to its route would occur.

Consultation has been undertaken with the Council's PROW Officer. No objections have been raised but it was commented that the diversion process should be completed prior to any development works commencing on site, and at no time shall the development works obstruct or interfere with the PROW. As such an informative note to this effect is suggested below.

Protected Trees

A group of trees roughly halfway along the access lane are protected by TPO (TPO 135 (G1)). The proposed upgraded access and diverted PROW would respect these trees by meandering around them, the access road to the north of the trees and the PROW to south respectively. As such no protected trees would be removed and none would require any pruning works. Subsequently no concerns have been raised by the Council's Countryside, Landscape and Ecology Section following consultation.

Public Health

No objections have been received from the Council's Public Health and Protection Section. They did however suggest 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. Therefore, given the nature and scale of the proposed

development, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Land Drainage and Flood Risk

It is noted that the objectors have commented that the development of the field may result in surface water flooding to the surrounding area and that the existing public sewerage system in the area is at capacity and cannot support further houses. However, following consultation, no objections have been raised by the Council's Flood Risk Management (FRM) Section or Dwr Cymru Welsh Water (DCWW).

During their assessment of the scheme the FRM Section commented that the applicant has not provided any site drainage details with the application and consequently it is difficult to assess the potential impact of the proposed development in respect of drainage/flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the Local Planning Authority prior to any development works starting on site. Whilst these comments are appreciated, the proposed development works would have to gain separate Sustainable Drainage Systems (SuDS) approval from the Council as the Sustainable Drainage Approval Body (SAB) prior to any development works taking place. This process would ensure no drainage/flood risk issues would arise and it is therefore considered the suggested condition is not necessary. An informative note to this effect is therefore suggested below instead.

DCWW commented that whilst they have no objection to the scheme, as the method for the disposal of foul drainage is unknown, they request further consultation once the details are available. It is considered that this issue would be appropriately covered during any future, separate SuDs application process.

In light of the above advice, the development is considered acceptable in respect of site drainage.

Historic Mining Activities

The application site lies within a defined Development High Risk Area and consequently there is a potential for historic mining activities to have an impact upon any future development at the site. In light of this issue a Coal Mining Risk Assessment report (CMRA) has been submitted in support of the application and consultation with the Coal Authority (CA) undertaken.

The CA commented that the CMRA report, which has been informed by an appropriate range of sources of information, identifies that shallow coal and ironstone mining activity and a roadway associated with an off-site adit, which extends beneath the site, pose a risk to the proposed residential development. Accordingly, the report makes

appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes in order to establish the depth and condition of shallow coal/ironstone seams and any associated workings before any development works take place.

The CA agrees with the outcomes of the report and raises no objection, subject to the suggested intrusive site investigations being undertaken at the site prior to any development works commencing to establish the exact situation regarding coal mining legacy. As such a condition to this affect is suggested below.

Th CA also noted however that the CMRA report does not outline what remedial measures are likely to be required in the event that mine workings are encountered beneath the site. Therefore the findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Finally, the CA also commented that the CMRA report provides a general statement that the migration of mine gases from mine workings and mine entries can pose a risk to development, but fails to provide an assessment of the risk posed by mine gas in this particular instance. The CA therefore recommended that the LPA seek comments from the Council's Public Health and Protection Section on this matter and any resultant need for gas monitoring and/or the incorporation of appropriate gas protection measures within the proposed development.

Following assessment of the scheme the Public Health and Protection Section commented that they are in agreement with the CA and the recommendations of the submitted CMRA report that site investigation works are required prior to any development commencing on site. It was detailed that any investigations should include a ground gas monitoring programme to establish any presence of mine gas, and if unacceptable mine gas risk is encountered, a Mitigation Measures Plan must be submitted for review prior to any development works being undertaken; and verification of the measures installed, if any, must be submitted for review prior to occupation of any unit. Therefore, whilst no objections were raised, it was suggested the standard contaminated land conditions are attached to any consent to cover this issue.

Other Issues

It noted that no objections were received from the Council's Waste Services Section, Wales and West Utilities, Western Power Distribution, South Wales Fire and Rescue Service, or South Wales Police, 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:

- The adjacent properties along Harriet Street have rear access from the access lane. The development would remove this.

As noted above, following the concerns raised by residents of the adjacent properties in this respect, amended plans were received on 22/07/19 which detail that access to the rear of these properties from the lane would be retained.

- Japanese Knotweed is present along the access lane. Development at the site could lead to this spreading to the surrounding area/properties.

It was noted during the officer site visit that Japanese Knotweed was evident along a section of the access lane. However, the presence of invasive plant species on site is not in itself a reason to refuse a planning application, and the eradication of invasive plant species is the responsibility of the landowner. It is however considered prudent to attach a condition to any consent requiring the plant be appropriately removed prior to any development works starting on site to ensure there would be no impact to the future development, and to stop its spread outside of the development site. As such a condition to this effect is suggested below.

- Development may result in damage to neighbouring properties.

Whilst these concerns are acknowledged and any future incident would be regrettable, any damage caused by the developers to third party land would form a civil matter between those parties that the Council could not enter in to. As such this issue cannot be taken into account during the determination of the planning application.

- The applicant does not own the access lane leading to the site.

Whilst it is accepted the site access is not under the ownership of the applicant, Members are advised that an applicant does not need to be in sole ownership of a site in order to submit a planning application on it. Any person can submit a planning application on any area of land providing the correct notice process has been followed. In this case, as set out above, the applicant has signed Ownership Certificate D and confirmed that the relevant notice of the planning application has been advertised within a local newspaper prior to submission, from which no public response was raised. It is therefore considered that the applicant has undertaken all reasonable steps to find out who the landowner is prior to submitting the application, and the application can therefore be determined.

- The plans are not an accurate representation of the proposed development.

No explanation as to why the objector believes the plans are not an accurate portrayal of the proposed development have been provided.

Following assessment of plans submitted and a visit to the site, it appears that the existing plans / supporting information are an accurate representation of the current situation on site, and that the proposed development can be accommodated within the site boundaries.

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 where a £nil charge is applicable. Therefore no CIL would be payable.

Conclusion

Whilst it is acknowledged the development would form a prominent addition in the immediate locality, the proposed dwellings are considered acceptable in terms of their overall scale, design and visual appearance. Furthermore, it is not considered the properties would have a significant impact upon the amenity and privacy standards currently enjoyed by the neighbouring residential properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

It is also considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Therefore, taking the above into consideration, the application is recommended for approval.

RECOMMENDATION: Grant

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:

- 24/2011/PL/001A
- 24/2011/PL/002A
- 24/2011/PL/003A
- 24/2011/PL/004A
- 24/2011/PL/005A

and documents received by the Local Planning Authority on 17/04/19, 20/06/19, 23/07/19, 06/12/19, 31/07/20, 25/08/20 and 29/01/21, 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 on site until detailed information that indicates the external wall, roofing, glazing and ventilation specifications offered as noise mitigation to any dwelling identified as being situated within Noise Exposure Category (NEC) B (as defined in Technical Advice Note 11 and as detailed in Environmental Noise Survey – Land at Trefelin, Aberdare (ref: 5442/ENS1_Rev1)) have been submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures shall achieve internal noise levels in compliance with BS8233:2014; shall be implemented in accordance with the approved details prior to beneficial occupation of each dwelling to which the measures apply; and shall remain in place in perpetuity.

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

4. No development shall commence on site until detailed construction specifications, including noise mitigation properties and position(s) of any barrier(s) to be employed at any dwelling identified as being situated within Noise Exposure Category (NEC) B (as defined in Technical Advice Note 11 and as detailed in Environmental Noise Survey – Land at Trefelin, Aberdare (ref: 5442/ENS1_Rev1)), have been submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures shall achieve appropriate noise levels in private external amenity areas in compliance with BS8233:2014 (55db(A) T or below); shall be implemented in accordance with the approved details prior to beneficial occupation of each dwelling to which the measures apply; and shall remain in place in perpetuity.

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

5. The development hereby permitted shall not commence on site until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless 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 Local Planning Authority 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.

6. No dwelling hereby approved shall be brought in to beneficial occupation until the measures approved in the scheme referred to in Condition 5 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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.

7. 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 Local Planning Authority prior to the work

recommencing. Any revised contamination proposals shall be carried out by a competent person.

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.

8. No development shall commence on site until a scheme of intrusive site investigation works, which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity, including any roadway extending from the off-site adit, have been undertaken on site and a subsequent report of findings arising from the investigations has been submitted to and approved in writing by the Local Planning Authority. Should the investigations find that any remedial works must be undertaken on site, a subsequent report detailing the relevant works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. All development works shall be carried out in accordance with the findings of the intrusive site investigation works thereafter.

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. Notwithstanding the approved plans, no development shall commence on site until full engineering design and details of the road layout that incorporates a speed reducing feature at its entrance including sections; street lighting details; and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The access road shall be carried out in accordance with the approved details prior to beneficial occupation of any unit on site and shall remain in place thereafter, unless otherwise agreed in writing with the Local Planning Authority.

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.

10. No development shall commence on site, 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. wheel cleansing facilities

- e. 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 the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 11. Prior to the commencement of any development on site, a report indicating a methodology for undertaking a conditions survey of local roads (that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include:
 - a. the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority
 - b. comprehensive photographs
 - c. and potential compensation arrangements

No dwelling hereby approved shall be brought into beneficial occupation until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the traffic use arising from the development does not have an adverse impact on highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 12. Before any dwelling hereby approved is brought into beneficial occupation, the means of access, together with the vision splays and turning facilities, shall be laid out and constructed in accordance with the submitted layout plan ref. 24/2011/PL003/A.

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

- 13. The access shall be at a gradient not steeper than 5% (1 in 20) for the first 10 metres and thereafter not steeper than 12.5% (1 in 8), unless otherwise 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.

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

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

15. Prior to any development works commencing on site, a comprehensive scheme of hedgerow replacement and landscaping, which includes only native trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To afford protection to animal species and to ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

16. All planting, seeding or turfing in the approved details of hedgerow replacement and landscaping (referred to in condition 15) shall be carried out in the first planting and seeding season following the occupation of the final unit and any hedgerows, trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To afford protection to animal species and to ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

17. No development works shall commence on site, including site clearance, until full details of the proposed biodiversity mitigation and enhancement measures set out in the submitted Ecological Survey and Scoping Assessment (Barry Stewart & Associates, Ecological Consultants, August 2020) and Dormouse Assessment and Enhancement Proposals (Koru Ecology Associates, January 2021) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation/enhancement measures thereafter, and the mitigation/enhancement measures shall be installed on site prior beneficial occupation of the first unit.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to any development works commencing on site, including any site clearance works, full details of a scheme for the eradication of Japanese Knotweed (*Fallonica Japonica*, *Rouse Decraene*, *Polygonum Cuspidatum*) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and a subsequent validation report submitted to the Local Planning Authority prior to any development works commencing on site.

Reason: In order to ensure the eradication of Japanese Knotweed within the curtilage of the application site in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.