

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2017-2018:**

**PLANNING & DEVELOPMENT  
COMMITTEE  
16 NOVEMBER 2017**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	Agenda Item No.6
<b>APPLICATION NO: 17/0801 - A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED WORKS (AMENDED SITE PLAN AND ENGINEERING LAYOUT RECEIVED 06/09/17). LAND OFF CARDIFF ROAD, CWM CYNON NORTH, MOUNTAIN ASH</b>	

**1. PURPOSE OF THE REPORT**

To consider the determination of the above mentioned planning application.

**2. RECOMMENDATION**

That planning permission be granted subject to conditions and the section 106 agreement as recommended in the original report to Members and modified as recommended below.

**3. BACKGROUND**

Members will recall that application 17/0801 was originally reported to the meeting of the Planning and Development Committee held on 19<sup>th</sup> October 2017 (a copy of the original report forms **APPENDIX A** to this report). At that meeting Members resolved to defer determination of the planning application until such time as The Coal Authority had withdrawn their holding objection to the proposed development (Minute no.79 (3) refers).

Since the matter was first presented to Committee the applicant has provided a revised layout plan illustrating a 12m exclusion zone around the full extent of the shaft cap, and this has been passed to The Coal Authority for their consideration along with all other detail supplied to date. On the basis of the totality of information now provided, the Coal Authority has withdrawn their objections and is content for the development to proceed.

Members are advised that as part of the land transfer arrangement a sum has been agreed with the prospective developer to address the highway and education implications of the proposed development.

In addition to the above, review of the conditions originally recommended suggests that condition 4 of the original report is unnecessary as matters referred to are dealt with adequately by subsequent conditions and if Members are minded to support the current proposal it recommended that this condition be omitted from any consent issued. A full schedule of revised conditions is included below.

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The consent hereby granted relates to the following plans as modified by other conditions of this consent:

- Site plan drawing no. SP-01 Rev P.
- External finishes plan drawing no. EF-01
- Site location plan drawing no. SI-01
- The Rufford house type plan no. RF-WD10
- The Moseley house type drawing no. MS-WD10
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- 2.1.1. brick drawing no. 2.1.1.-WD10
- Single garage detail drawing no. RSG-G01
- Brick screen wall detail drawing no. D01-Rev A
- 1.8m close boarded fence drawing no. D02-Rev A
- 0.45 – 0.6m timber knee rail drawing no. D13
- 1.8m close boarded gate drawing no D07
- 1200mm post and wire fence drawing no. D35

Reason: for the avoidance of doubt as to the approved plans

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan

5. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme set out in the Site Investigation Report 11877/JJ/17/SIRevA, Intégral Géotechnique (Wales) Ltd, August 2017 (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.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. 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.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is

free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the approved plans, no dwelling shall be occupied until full engineering design and details of the works to the existing public highway as shown on the approved layout plan, including longitudinal and cross sections, street lighting details, uncontrolled pedestrian crossing facilities, traffic calming, traffic bay/layout allocation, surface water drainage, service diversions, and details of private shared accesses and associated bin storage including construction details have been submitted to and agreed in writing with the Local Planning Authority. Details submitted in respect of these details must also include a detailed programme for their implementation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety and to accord with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the approved plans, no dwelling shall be occupied until full engineering design and details of the internal road layout as shown on the approved layout plan, including longitudinal and cross sections, street lighting details, traffic calming, parking bay layout/allocation, surface water drainage and details of private shared accesses and associated bin storage including construction details have been submitted to and agreed in writing with the Local Planning Authority. Details submitted in respect of these details must also include a detailed programme for their implementation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety and to accord with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Within 3 months of the date of this decision a construction method statement shall be submitted to and approved by the Local Planning Authority to provide for:

- The means of access into the site for all construction vehicles.
- The parking of vehicles of site operatives and visitors.
- The management of vehicular and pedestrian traffic.
- Loading and unloading of plant and materials.

- Storage of plant and materials used in constructing the development.
- Wheel cleansing facilities.
- The sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the safety and free flow of traffic and to accord with the requirements of policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. The developer shall provide the occupier of each dwelling with a travel plan/welcome pack which should contain the following –

- 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.
- Park and ride/park and share facilities and associated costs and restrictions on use of such facilities.
- Pedestrian links to public transport services to local facilities, areas of employment, education and leisure.
- Local and national cycling routes.
- Any other measures that would encourage the use of sustainable modes of transport.

Reason: to ensure the reduction of road traffic and promotion of sustainable modes of travel in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan and national planning policies.

13. Prior to the construction of the properties on plots 3 to 15 precise details of existing and proposed levels (including cross sections) in relation to the properties at 1-4 The Laurels and the ongoing development at the former Robbins Transport yard shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

14. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. Within 3 months of the date of this decision a tree management plan for construction shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details agreed in that plan.

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

16. Within 3 months of the date of this permission details of the landscape, tree and hedgerow mitigation plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

**APPENDIX A**

**APPLICATION NO:** 17/0801/10 (GD)  
**APPLICANT:** Persimmon Homes East Wales  
**DEVELOPMENT:** A residential development with associated works (amended site plan and engineering layout received 06/09/17).  
**LOCATION:** LAND OFF CARDIFF ROAD, CWM CYNON NORTH, MOUNTAIN ASH  
**DATE REGISTERED:** 06/09/2017  
**ELECTORAL DIVISION:** Mountain Ash East

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**RECOMMENDATION:** Approve, subject to a S106 Agreement.

**REASONS:**

The principle of the proposed development is acceptable and presents the opportunity to address the current shortfall in housing land supply as a windfall housing site within the settlement limits of the town and to bring forward new housing in the heart of Mountain Ash.

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**REASON APPLICATION REPORTED TO COMMITTEE** The proposal is not covered by determination powers delegated to Service Director Planning;

**APPLICATION DETAILS**

This planning application seeks full planning permission for the construction of 110 dwellings at the northern Cwm Cynon plateau in Mountain Ash. The development will comprise of 60 link houses (in groups of 3 -5 units), 14 semi detached houses, 34 detached houses and 2 flats. The house types are largely conventional two storey units though some of the semi detached and link properties will be slightly taller (two and half storey height) with bedrooms built into the roof space. The properties will be finished in a red brick with occasional use of render on front elevations, slate grey roof tiles and uPVC doors, windows and rainwater goods.

The site will for the greater part be accessed via the existing access road at the southern end of the site which serves the Cwm Cynon Estate and the southern end of Cardiff Road, a new road access into the site will be formed at its south eastern corner and the site access spine road leads northwards in to the site, a second access point on to Cardiff Road will be formed to the north of a row of garages which are themselves immediately north of number 52 Cardiff Road.

Additionally, six of the properties serviced from the south will be accessed directly off Cardiff Road with a further four serviced from a mews court type access arrangement from Cardiff Road. Much of the housing will front onto the spine road with culs de sac and private drives formed off it. Seventeen of the proposed houses will be orientated so as afford views over the river and will be served off private

shared accesses and drives. For the greater part the housing will be served with frontage parking, with the exception of some of the larger detached properties which will benefit from parking space to the side along with detached garages.

The highway layout also allows for the provision of a 4.1m wide access lane that will service the rear of 1 – 4 The Laurels and 52 – 78 Cardiff Road as well as plots 11 – 28 of the proposed development. Eight of the properties located at the northern tip of the site will be serviced from the north via Cardiff Road, three with direct access on to Cardiff Road itself and five via an on site mews court.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement:
- Pre Application Consultation Report.
- Construction Method Statement.
- Cultural Heritage Desk based Assessment.
- Drainage Strategy and Flood Risk Assessment.
- Japanese Knotweed Management Plan.
- Biodiversity Enhancement and Management.
- Construction Phase Environmental Management Plan.
- Extended Phase 1 Habitat Survey.
- Bat Tree Assessment.
- Reptile Survey.
- Transport Assessment.
- Framework Travel Plan.
- Site Investigation Cover Letter.
- Summary Earthworks Specification.
- Clean Water Hydraulic Modelling Assessment.
- Tree Survey, and
- Arboricultural Impact Assessment.

## **SITE APPRAISAL**

The application site comprises 3.2 hectares of reclaimed land at the Cwm Cynon North Plateau on the floor of the Cynon Valley. The site is formed in an irregular shape with a maximum width of approximately 170m and a maximum length of approximately 395m. The site narrows moving from south east to north west. The site is bounded by the Afon Cynon and its embankment to the west, car parking and industrial units beyond its short northern boundary, established residential property on its eastern Cardiff Road boundary and open ground and the business park access road on its southern boundary.

Beyond the immediate site boundaries to the east and north lie the riverside park, town centre and railway station, all of which are accessible on foot from the application site. Immediately west of and parallel with Cardiff Road is the A4059 New Road which is the principal classified road serving the Cynon Valley.

## **PLANNING HISTORY**



04/1227 Business enterprise centre, 28no. workshop units, new access road, associated parking and external works Approved 12/11/04

Members should note that the above planning approval was never implemented. All earlier planning history relates to the former use of the site as a colliery and railway sidings and the subsequent part reclamation of same, which given its purpose and age has little or no bearing on the consideration of the current proposal.

## **PUBLICITY**

The application has been twice advertised by press notice, site notices and neighbour notification letters and has resulted in the submission of one letter raising the following issues.

- The road to be provided to the rear of the properties on Cardiff Road would be higher than the existing rear gardens of those properties and would therefore prevent the use of any rear access
- Residents claim to own part of the land to the rear of their property and to have made use of it for the past 30 years
- Loss of privacy.
- An increase in traffic using Old Cardiff Road and the proposed cross valley link road
- The lack of time provided to view the plans given the difficulties experienced in accessing these details on the Council's website and in acquiring hard copies.

## **CONSULTATION**

Highways – no objections subject to conditions.

Drainage – the principal of the surface water disposal method would be acceptable. However details of the pond structure, maintenance arrangements will need to be agreed. The connection for the surface water pond into the existing network will need to be surveyed to ensure condition and capacity. No objections subject to conditions.

Public Health & Protection – no objections subject to conditions.

Education – have no comments to make in respect of the current planning application.

Countryside Section – no objections subject to conditions.

Corporate Estates – no comment to make in respect of the proposals.

Housing Strategy – have confirmed that they are satisfied with the proposed arrangement of affordable housing units comprising 5 two bedroom units, 3 three bedroom units and 2 one bedroom flats.

Waste Services – have no comments to make in respect of the proposals.

Natural Resources Wales – no objections subject to conditions.

Dwr Cymru/Welsh Water – no objections subject to conditions.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objections to the proposal and advise with regard to the location of their apparatus on and in the vicinity of the application site and in respect of safe working practices to be adopted when working in proximity to it.

Network Rail – no response received.

Police Authority – raise no objection to the proposed development and make a series of recommendations with regard to compliance with secured by design standards and indicate that they would welcome the opportunity to discuss the proposals with the applicants.

South Wales Fire & Rescue Service – no objections subject to adequate provision being made for access for fire fighting vehicles and the provision of an adequate water supply for fire fighting purposes.

Coal Authority – final observations on the matter are awaited.

Glamorgan Gwent Archaeological Trust – no objections subject to conditions.

## **POLICY CONTEXT**

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

**Policy CS1** – places an emphasis on building strong and sustainable communities in the northern strategy area and sets out criteria for achieving regeneration through sustainable growth.

**Policy AW1** – promotes the delivery of housing target through amongst other means the development of unallocated land within the defined settlement limits.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW4** – sets out contributions that might be required to be provided under a planning obligation when dealing with development proposals.

**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 AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy NSA2** – supports development in key settlements that supports and reinforces the role of centres as key settlements and promotes accessibility to services by a range of sustainable modes of transport.

**Policy NSA10** – requires a minimum density of 30 dwellings per hectare.

**Policy NSA11** – requires the provision of 10% affordable housing on sites of more than 10 dwellings in the northern strategy area.

**Policy NSA12** – sets out criteria for the consideration of housing proposals within and adjacent to settlement boundaries in the northern strategy area.

**Policy NSA16** – Supports proposals for the redevelopment of former industrial sites subject to the proposed development being compatible with surrounding land uses and having a positive effect in regeneration terms.

**Policy NSA26** – supports development that will make a positive contribution towards the Cynon Valley River Park.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Affordable housing
- Planning Obligations
- Access, Circulation and Parking
- Development of Flats
- Employment Skills

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

### **Planning Policy Wales**

- Chapter 2 (Development Plans),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 7 (Economic Development),
- Chapter 8 (Transport),
- Chapter 9 (Housing),

- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

set out the Welsh Government's policy on planning issues relevant to the determination of this application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23. Economic Development.
- Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

In considering the determination of this planning application the key issues for determination are the principal of the proposed development, the impact of the proposals on the character and appearance of the area, the impact of the proposed development on residential amenity and privacy and the implications of the proposals for access and highway safety.

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

The current development plan is Rhondda Cynon Taf Local Development Plan, adopted on 2 March 2011. In the Local Development Plan, the site is:

- Wholly within the settlement boundary of Mountain Ash;
- Wholly within the Cynon Valley River Park; and
- Not allocated for a particular purpose.

As such the current proposals are in accordance with the key local development plan policies outlined above.

Though the site has to a large extent been claimed by nature it is ultimately a reclaimed colliery site and could be considered brownfield, the development of which should, in accordance with Welsh Government policy, be favoured ahead of the development of less favourably located greenfield sites.

Furthermore, given that the Council currently only benefits from a 1.3 year housing land supply where the Welsh Government requires it to maintain a five year housing land supply, the proposed development could make a valuable contribution towards addressing that particular shortfall.

Whilst the site is affected by Policy NSA26 relating to the Cynon Valley River Park, the replacement of underused land with new housing and the opportunity that the proposed development affords to better address the eastern bank of the river represents a significant improvement over the existing arrangements.

Consequently the proposed development is acceptable in principle and as long as the specifics of the current proposal are acceptable in the context of the other main issues identified above, then the development will be acceptable in planning terms.

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

Prior to its reclamation the site was occupied by the tips, rail sidings and assorted small buildings associated with the nearby colliery. Since the creation of the existing plateau in the late 1980's and early 1990's the site has remained vacant with many areas substantially overgrown and a series of linked desire line footpaths cross the site, which in turn link with the established walking and cycling route on the western side of the site.

The immediate locality is characterised by traditional stone built dwellings along with some smaller industrial/commercial units along Cardiff Road and to the north. Mountain Ash town centre with all that it offers in the way of services and amenities lies to the north of the site with the river park occupying some intervening ground. It is within this wider context that the site would be developed and while the development would undoubtedly alter the character and appearance of the area, such impacts are positive and the development would only be read as part of the wider urban mix. New housing would replace the increasingly overgrown site, bringing with it some clarity and order to the overall appearance of the neighbourhood and as such the impacts of the proposed development on the character and appearance of the area are considered to be positive. The nature of the layout respects the established residential property and also provides development fronting the river providing oversight and passive surveillance of the existing footway and riverside park.

### **Impact on residential amenity and privacy**

Given that the application site has lain undeveloped for a considerable number of years its development will clearly have an impact on the level of residential amenity

and privacy that existing residents currently enjoy. The issue though is whether or not the proposed arrangement would remain acceptable in planning terms given the relationship it would have with existing property, particularly as these are issues that have been raised in comment by local residents. The impact of any proposed development in terms of privacy and amenity is most pronounced when new dwellings are proposed back to back with established properties. This arrangement will occur in relation to properties at the Laurels and Cardiff Road. However at the very minimum this distance would be maintained at 21 metres and in most cases would be considerably more. This taken together with the fact that the site is relatively flat and finished levels for the site will be of a similar nature to those of the established residential properties makes the impact of the proposals acceptable in planning terms.

There are currently houses under construction on the site of the former Robbins Transport Yard and back to back distances between the proposed site and the site currently under construction would be in the order of 21 metres given the latest revisions to the layout plans. Within its boundaries the proposed development maintains similar standards in terms of distances which are acceptable. Additionally, the general arrangement also makes the most of the necessarily linear arrangement and exploits the best aspects of the site maximising the number of properties with views over the river.

### **Access and highway safety**

The planning application is accompanied by a Transport Assessment and framework travel plan. The proposals have been considered in depth by the Highways and Transportation Section and subject to conditions they have no objections to the proposed development. In arriving at this conclusion the Highways and Transportation Section have given careful consideration to the following issues: –

- Access and Circulation
- Access from Cardiff Road (north and south)
- Internal access arrangements.(including private shared accesses)
- Engineering layouts submitted to date
- Parking provision
- Collision analysis
- Active travel and safe routes in communities.
- Bus and rail transport
- The travel plan framework
- The construction method statement, and
- Transport implementation strategy.

Having considered the above matters the proposed development is found to be generally acceptable though there is a need to secure full engineering details of the highway design, a detailed travel plan and construction method statement; these though are issues that can be addressed through the appropriate application of planning conditions.

### **Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

One resident has claimed ownership of a small area of land within the application site. Since the receipt of the claim (and notwithstanding that this is application civil matter), the applicants have submitted a revised plan to show the land in question being outside of the application site.

Members should note that though the site lies on the floor of the valley it is outside of the floodplain and as such Natural Resources Wales have not raised objection to the proposals in respect of this issue. Drainage related matters are acceptable in principle and subject to appropriate conditions in this regard the development of the site can proceed.

As a reclaimed site that has to some extent regenerated naturally it is unsurprising that over that time it has gained ecologically to the point where it now has some importance albeit at a local level. However in this instance, these are matters that can be appropriately dealt with through the application of appropriate conditions

### **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 CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

### **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:

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

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to

contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG 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 following matters will need to be addressed through the legal agreement –

- The provision of 10% affordable housing.
- The agreement of an employment skills training plan.

### **Conclusion**

Despite not specifically being allocated for residential development, the application is considered to comply with the relevant policies of the Local Development Plan in all key policy areas and is also compliant with the requirements of Planning Policy Wales. The Proposed development is also acceptable in terms of all other material planning considerations and makes good use of underused land in the heart of Mountain Ash.

**RECOMMENDATION: Approve subject to no objection being raised to the proposed development buy the Coal Authority, the completion of the Section 106 agreement and the following conditions.**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The consent hereby granted relates to the following plans as modified by other conditions of this consent:
  - Site plan drawing no. SP-01 Rev P.
  - External finishes plan drawing no. EF-01
  - Site location plan drawing no.SI-01
  - The Rufford house type plan no. RF-WD10
  - The Moseley house type drawing no.MS-WD10
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- 1.8m close boarded fence drawing no. D02-Rev A
- 0.45 – 0.6m timber knee rail drawing no. D13
- 1.8m close boarded gate drawing noD07
- 1200mm post and wire fence drawing no. D35

Reason: for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
  - d. Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - vi) Provision of training and information about the importance of

the 'Wildlife Protection Zones' to all construction personnel on site.

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

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

5. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme set out in the Site Investigation Report 11877/JJ/17/SIRevA, Intégral Géotechnique (Wales) Ltd, August 2017 (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.

Reason: In the interests of health and safety and environmental amenity and 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 LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the LPA. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local development Plan.

9. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the approved plans, no dwelling shall be occupied until full engineering design and details of the works to the existing public highway as shown on the approved layout plan, including longitudinal and cross sections, street lighting details, uncontrolled pedestrian crossing facilities, traffic calming, traffic bay/layout allocation, surface water drainage, service diversions, and details of private shared accesses and associated bin storage including construction details have been submitted to and agreed in writing with the Local Planning Authority. Details submitted in respect of these details must also include a detailed programme for their implementation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

11. Notwithstanding the approved plans, no dwelling shall be occupied until full engineering design and details of the internal road layout as shown on the approved layout plan, including longitudinal and cross sections, street lighting details, traffic calming, parking bay layout/allocation, surface water drainage and details of private shared accesses and associated bin storage including construction details have been submitted to and agreed in writing with the Local Planning Authority. Details submitted in respect of these details must also include a detailed programme for their implementation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

12. Within 3 months of the date of this decision a construction method

statement has been submitted to and approved by the Local Planning Authority to provide for;

- The means of access into the site for all construction vehicles.
- The parking of vehicles of site operatives and visitors.
- The management of vehicular and pedestrian traffic.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Wheel cleansing facilities.
- The sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the safety and free flow of traffic.

13. The developer shall provide the occupier of each dwelling with a travel plan/welcome pack which should contain the following -
- 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.
  - Park and ride/park and share facilities and associated costs and restrictions on use of such facilities.
  - Pedestrian links to public transport services to local facilities, areas of employment, education and leisure.
  - Local and national cycling routes.
  - Any other measures that would encourage the use of sustainable modes of transport.

Reason: to ensure the reduction of road traffic and promotion of sustainable modes of travel in accordance with national and local planning policies.

14. Prior to the construction of the properties on plots 3 to 15 precise details of existing and proposed levels (including cross sections) in relation to the properties at 1-4 The Laurels and the ongoing development at the former Robbins Transport yard shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

15. Construction works on the development shall not take place other than during the following times:
- Monday to Friday 0800 to 1800 hours;
  - Saturday 0800 to 1300 hours;
  - Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Within 3 months of the date of this decision a tree management plan for construction has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details agreed in that plan.

Reason: to afford appropriate protection to animal and plant species in accordance with policies AW5 & AW8 of the Rhondda Cynon Taf Local development Plan.

17. Within 3 months of the date of this permission details of the landscape, tree and hedgerow mitigation plan has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**16 NOVEMBER 2017**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATION NO: 17/0801 - A  
RESIDENTIAL DEVELOPMENT  
WITH ASSOCIATED WORKS  
(AMENDED SITE PLAN AND  
ENGINEERING LAYOUT  
RECEIVED 06/09/17).  
LAND OFF CARDIFF ROAD, CWM  
CYNON NORTH, MOUNTAIN ASH**

**OFFICER TO CONTACT**

**MR G DAVIES  
(Tel. No. 01443 494741)**

**See Relevant Application File**