



## **PLANNING & DEVELOPMENT COMMITTEE**

**2 AUGUST 2018**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO: 18/0018/13 – PROPOSED RESIDENTIAL DEVELOPMENT – BLAKE STREET, MAERDY, FERNDALE.**

#### **2. RECOMMENDATION**

That Members consider this report and determine the planning application having regard to the advice given

#### **3. BACKGROUND**

This application was originally reported to the meeting of the planning and Development Committee held on 5<sup>th</sup> April 2018 (a copy of the original report is reproduced as **APPENDIX A**). Following consideration of the report members resolved to defer determination of the Planning application in order to carry out a site visit, (minute 167 refers). A site visit took place on 17<sup>th</sup> April 2018 and the application was subsequently reported back for the consideration of Members on 14<sup>th</sup> June 2018, (a copy of the report back forms **APPENDIX B** to this report). Following consideration members resolved to make a further deferral of the determination of the application to allow the applicant to explore alternative access options. That matter was reported on to the meeting of the Planning and Development Committee held on 5<sup>th</sup> July 2018, (a copy of that report forms **APPENDIX C** to this report). At that meeting Members resolved that they were of a mind to refuse planning permission for the development on the basis that –

- Access to the site via Blake Street is not satisfactory on highway safety grounds.
- The proposed development would be contrary to the requirements of policy NSA12 of the Rhondda Cynon Taf Local development Plan; and,
- The proposed development does not accord with the goals of The Wellbeing of Future Generations Act 2015.

Notwithstanding earlier officer recommendations that the planning permission should be granted for the proposed development, Members are advised that there is a defensible evidential base for refusal on highway safety and

planning policy grounds which are addressed in the first two bullet points above. However, the use of the Wellbeing of Future Generations Act 2015 as a basis for a reason for refusal, given the lack of any specific or substantive evidence to support such a position, would be extremely difficult to defend. Indeed, it would be difficult to argue that new residential development in the Maerdy community in this case, would not improve the economic, social, environmental and cultural wellbeing of the locality.

However, if Members remain of a mind to refuse this planning application the following reasons are considered representative of the views expressed.

1. Access to the proposed site via Blake Street is oversubscribed with parking on both sides of the street restricting access to the site to single lane traffic which is to the detriment of highway safety and the free flow of traffic and therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed development in seeking consent for 29 dwellings is contrary to the limitations set by and contrary to the requirements of Policy NSA12 of the Rhondda Cynon Taf Local development Plan 2006 – 2021.
3. The proposed development, as a result of its poor means of access would prove contrary to the goals of the Wellbeing of Future generations Act 2015.



APPENDIX A

**PLANNING & DEVELOPMENT COMMITTEE**

**5 APRIL 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**APPLICATION NO:** 18/0018/13 (HL)  
**APPLICANT:** Warton & Evans  
**DEVELOPMENT:** Proposed residential development (amended plans received 29/01/18 and 14/02/18 and amended description received 13/02/18)  
**LOCATION:** BLAKE STREET, MAERDY, FERNDALE, CF43 4AH  
**DATE REGISTERED:** 15/01/2018  
**ELECTORAL DIVISION:** Maerdy

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**RECOMMENDATION:** Approve, subject to conditions and a Section 106 Agreement

**REASONS FOR RECOMMENDATION:**

The proposed development presents an opportunity to provide a mix of private and social housing in an area that has not undertaken any significant development in the last decade. The development would also make a contribution to addressing the Council's housing land supply shortage. The proposed development is compliant with planning policy and is acceptable with regard to all other material planning considerations.

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**REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;

**APPLICATION DETAILS**

Outline planning permission is sought for residential development on land to the south-east of Blake Street, Maerdy. Although the application is made in outline, access is to be considered as part of the current application.

In accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, information regarding the position of the buildings, routes, open spaces, height, width and length of each building and points of access have been submitted along with an indicative site layout plan.

The indicative details show the development of 29 dwellings, comprising a mix of five house types, predominantly arranged to overlook a central cul-de-sac highway. Access to the site would be off the existing turning circle at the south eastern end of Blake Street which in turn adjoins with the A4233 (Maerdy Road/ Richard Street) which forms part of the main highway passing through Maerdy.

As part of the Design and Access Statement the minimum and maximum building dimensions are given as:

House type A. 3 bedroom house with attached garage.

Plots 1, 2, 6, 7, 21, 22 and 23

|        | Max   | Min   |
|--------|-------|-------|
| Eaves  | 5.4m  | 5.15m |
| Ridge  | 8.2m  | 7.9m  |
| Length | 10.5m | 9.5m  |
| Width  | 10.5m | 9.5m  |

House type B. 4 bedroom house with integral garage.

Plots 3, 4, 5, 8, 9, 10, 11, 18, 19, 20, 24, 25, and 26.

|        | Max   | Min   |
|--------|-------|-------|
| Eaves  | 5.4m  | 5.2m  |
| Ridge  | 8.3m  | 7.9m  |
| Length | 11.5m | 10.5m |
| Width  | 12.5m | 11.5m |

House type C. 3 bed dormer bungalow with integral garage.

Plots 14, 15, 16 and 17

|        | Max   | Min   |
|--------|-------|-------|
| Eaves  | 3.2m  | 3.0m  |
| Ridge  | 6.5m  | 6.0m  |
| Length | 13.5m | 12.5m |
| Width  | 10.5m | 9.5m  |

House type D. 3 bed link house.

Plots 27, 28 and 29

|        | Max    | Min   |
|--------|--------|-------|
| Eaves  | 5.4m   | 5.15m |
| Ridge  | 8.2m   | 7.85m |
| Length | 10.50m | 9.5m  |
| Width  | 7.5m   | 8.5m  |

House type E. 4/5 bed houses with attached double garage.

Plots 12 and 13

|        | Max   | Min   |
|--------|-------|-------|
| Eaves  | 5.55m | 5.35m |
| Ridge  | 8.5m  | 8.1m  |
| Length | 10.5m | 9.5m  |
| Width  | 10.5m | 9.5m  |

The application is accompanied by the following:

- Design and Access Statement;
- Pre-Application Consultation report;
- Arboricultural report;
- Ecological assessment;
- Transport statement;
- Coal Mining Report and
- Design Statement

## **SITE APPRAISAL**

The application site comprises a roughly rectangular shaped, undeveloped parcel of land, with an area of approximately 1.5ha. The site was previously the subject of a land reclamation scheme. The boundaries are defined by post and wire and post and rail fencing with semi mature shelter belt of trees planted on three sides of the site. The central part of the site comprises areas of marshy, scrub land with small areas of standing water.

The site is positioned to the south-east of Blake Street; the north-east of a rear lane that serves the residential properties in Richard Street and the rear of The Royal British Legion, Maerdy Conservative Club. To the north, the landscape slopes steeply down to the Afon Rhondda Fach river. Ferndale Community School playing field lies adjacent to the south-eastern boundary. A well worn path provides access through the site from Blake Street to the school.

The area as a whole is located on a slope falling from south to north. As a result the site is slightly below the finished floor level of the residential properties in Blake Street and significantly below the ground floor level of the residential properties in Richard Street.

## **PLANNING HISTORY**

There is no planning history for the site.

## **PUBLICITY**

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice.

33 letters of objection and a petition containing 54 signatures representing 24 residences in Blake Street has been received. The objections are summarised as follows:

### **Material planning considerations**

- Blake Street is narrow with only one point of access and a sharp bend at the bottom. The street is unable to accommodate any more traffic. Large vehicles such as fire engines, ambulances and Council vehicles have difficulty accessing the street.

- There is limited parking availability for existing residents.
- Double yellow lines will reduce parking availability and increase congestion towards the development.
- The residents of 16 and 17 Blake Street have numerous health and mobility issues. Putting double yellow lines outside their properties will make accessing the properties problematic for themselves, their families and health care professionals.
- Construction and increased residential traffic will be dangerous and detrimental to children who play in the street and in the existing turning area;
- The site is used for recreation and dog walking.
- The design is out of keeping with the strong historic character and architecture of the area.
- The noise, pollution and dust generated by the proposal would have a detrimental impact on existing residents health.

### **Non Material planning considerations**

- Proposal would diminish the view;
- Concerns that there isn't a market or demand for such properties in the area

### **CONSULTATION**

Transportation Section - no objection subject to conditions.

Dwr Cymru/ Welsh Water - no objection subject to condition. Advice provided regarding the location of apparatus.

Land Reclamation and Engineering Section – no objection subject to conditions relating to drainage.

Natural Resources Wales - we do not consider that the proposed development affects a matter listed on our checklist.

Public Health and Protection Section – advice provided regarding demolition, hours of operation, noise, dust, waste and lighting.

Wales and West Utilities (gas) - advice provided with regard to the location of apparatus.

Housing Strategy - 10 % of the units proposed should be secured as affordable housing.

South Wales Police - no objections conditions recommended with regard to designing out crime.

Countryside, Landscape and Ecology - no objections subject to conditions and a section 106 to secure long-term aftercare and management of the tree/habitat zones.

Parks and Countryside (Play Facilities) - The development is unlikely to justify an on site equipped play area. Therefore off site provision would be more appropriate. A commuted sum contribution should be secured by a Section 106 agreement.

## **POLICY CONTEXT**

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

The site is located outside but immediately adjoining the defined settlement boundary of Maerdy.

The principal policies in the consideration of this application are as follows:

**Policy CS1** Emphasises the promotions of residential development in locations which support and reinforce the Principal Towns and Key Settlements.

**Policy CS4** Identifies the housing requirement figure for the plan period.

**Policy CS5** Requires the provision of affordable housing.

**Policy AW1** Identifies how the housing requirement figure will be met including through the allocations in the Local Development Plan.

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

**Policy AW4** Identifies that the Council may seek Planning Contributions on development proposals.

**Policy AW5** Sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** Gives design and placemaking criteria for new development.

**Policy AW8** Sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

**Policy AW10** Development proposals must overcome any harm to public health, the environment or local amenity.

**Policy NSA10** Sets a minimum density of 30 dph and gives criteria for lower densities.

**Policy NSA11** Seeks 10% affordable housing provision on sites of 10 units or more.

**Policy NSA12** Gives criteria for housing development within settlement boundaries. Identifies that proposals outside but adjoining the settlement boundary will be permitted subject to specified restrictions.

The following Supplementary Planning Guidance documents are also applicable-

- Design and Placemaking.
- Delivering Design and Placemaking - Access Circulation and Parking Requirements.
- Planning Obligations.
- Nature Conservation.
- Affordable housing and
- Employment and 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 (Edition 9, November 2016) Chapter 2 (Local Development Plans); Chapter 3 (Making and Enforcing Planning Decisions); Chapter 4 (Planning for Sustainability); Chapter 8 (Transport), Chapter 9 (Housing), sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- 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**

The application seeks outline planning permission for residential development on a parcel of land to the south-east of Blake Street Maerdy. The site is a formerly reclaimed area of land, located outside of but immediately adjoining the defined settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan. The key considerations with regard to the determination of this application are: the principle of development; impact on the character and appearance of the surrounding area; impact on the residential amenities of neighbouring properties and highway safety.

### **Principle of development**

As of the 1st April 2017, the five year housing land supply for Rhondda Cynon Taf as required by Planning Policy Wales (Edition 9) 9.2.3 (PPW) and Technical Advice Note 1 (TAN 1) was only 1.3 years. Therefore the need to increase the housing supply carries considerable weight provided that the development would otherwise comply with development plans and national planning policies.

Policy NSA12 requires proposals for residential development outside but adjoining the settle boundary to bound on at least one side by the settlement boundary; be of a scale, form and design of the development to not adversely affect the amenity or character of the site or surrounding area; be for 10 or fewer dwellings; and not be



within a green wedge or a site designated for international, national or local importance. The principle behind the policy however was formulated with the aim to allow suitable development opportunities outside the settlement boundary in the northern strategy area.

The site is bound on at least one side by the defined settlement boundary and is not within a green wedge or site of local, national or international importance. The plans submitted indicate that the site has the potential to accommodate at least 29 dwellings. However, development of this size in the Northern Strategy Area, particularly the Rhondda Fach, is not easily achieved, usually due to viability issues or the lack of developable sites approaching this size. Furthermore allocated sites are proving to be unviable and not coming forward as expected. As a result, individuals wanting a new housing within the Maerdy area have no options available to them. This application therefore provides an opportunity to facilitate new housing in an area that has not witnessed any significant development in the last decade. This in turn may help reduce depopulation and decline within the area which form part of the core objections of the Local Development Plan Strategy for the Northern Strategy Area.

In conclusion, with regard to the principle of development, being mindful that the site is outside but adjoining the defined settlement boundary, it is considered that the contribution that the proposal would make to the housing supply in the area in association with the benefits the development would bring to the area, outweighs the ten unit limitation imposed by criteria 5 of policy NSA12. It is therefore considered that the principle of residential development on the site is acceptable.

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

Although the application is made in outline with some matters reserved, in accordance with the requirements of the Town and County Planning (Development Management Procedure) (Wales) Order 2012, an indicative site layout has been submitted showing the development of 29 dwellings predominantly arranged around a central cul-de-sac highway accessed from the existing adopted highway (Blake Street) to the north-west of the site. The height parameters specified within the design and access statement indicate that the buildings could have a maximum ridge height of 8.5m and as such the tallest properties could be three storey in design with accommodation provided in the roof space.

Policy NSA10 identifies that proposals for residential development should seek to achieve a minimum density of 30 dwellings per hectare, unless it can be demonstrated that a lower density is necessary to: protect the character of the site or surrounding area; protect the amenity of existing residents; or that adequately efficient use of the site is made. The provision of 29 dwellings on 1.5 hectare site equates to a density of 19.33 dwellings per hectare. However, it is noted that the site layout plan indicates the provision of two areas of informal play space and the siting of the properties to reduce excavation of the southern embankment and the loss of trees on the northern and southern edges of the site. Taking these factors into account, it is considered that the proposal makes acceptable and efficient use of the space and is therefore compliant with the policy NSA10 of the Rhondda Cynon Taf Local Development Plan.

As part of the public consultation, concerns have been raised regarding the design and visual impact of the development on the character and appearance of the wider area. Although the proposal presents variety in design within the development and in comparison to the traditional terraced dwellings that are most common in the area, it is considered unlikely that the scheme would be untypical of or at any great variance to many modern housing developments in the Borough. Furthermore it is considered that the proposal would provide a form of accommodation type that is currently under provided in the immediate area. It is considered that the position and level of the site below and behind the properties in Richard Street would help screen the proposal and prevent it from being detrimental to the character and appearance of the area.

It is considered that the site is of a size sufficient to accommodate a development of the scale and layout indicated, and dwellings could be designed for the site that would be capable of being sensitive to the context of the surroundings. The application is therefore considered compliant with the relevant requirements of policies AW1, AW2, AW5, AW6, and NSA10 of the Rhondda Cynon Taf Local Development Plan.

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

Whilst a matter more appropriately considered at the reserved matters stage, it is noted that the site layout plan submitted indicates that a minimum distance of 33.5m could be maintained between the southern elevation of the indicative dwellings and the northern (rear) elevations of the properties in Richard Street, with a minimum distance of approximately 40m being maintained between the western (front) elevations of units 27-29 and the eastern (side) elevations of the 1 Blake Street. It is considered that the maintenance of such distance in association with the level of the site and topography of the area would help protect the residential amenity of those living closest to the site. On the whole, it is considered that the site is capable of accommodating a residential development without unduly encroaching and compromising the privacy and amenity of neighbours.

Concerns have been raised with regards to the noise, nuisance and increased pollution generated by construction and potential residents of the site. Unfortunately, it is inevitable that any development of the site would lead to noise and disturbance to adjacent properties during the construction stage. Whilst the Council could impose an hours of operation condition, this may result in an extended construction period and extended disruption to residents close to the site. It is considered that matters such as demolition, noise, dust, disposal of waste and lighting can be more efficiently controlled by other legislation with an appropriate Informative being added to any permission notifying the applicant / developer of the need to comply with legislation.

Although the proposal has the potential to double the number of dwellings served by Blake Street, it is considered that the scale of the development proposed would not generate an increased level of nuisance, disruption or pollution so great to warrant a reason for refusal on such grounds.

On the basis of the above the application is considered compliant with the requirements of policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

## **Highway Safety**

Although the application seeks outline consent, access is not a reserved matter and is to be considered as part of the current application. The plans submitted detail that access to the development would be gained via Blake Street to the north-east which is an adopted and unclassified highway. Blake Street has a carriageway width that varies between 6.6m & 7.3m. The carriage way falls steeply from the A4233 before turning a 90 degree bend into the main part of Blake Street which is fronted by two storey terraced dwellings on either side. Due to the nature of terraced dwellings with limited off-street car parking facilities, residents park on both sides of the carriageway reducing the available width to single file traffic.

The Local AM has requested that consideration be given to providing access to the site from the A4233, via the land adjacent to the Maerdy Ex-Serviceman's Club. Following consideration the Transportation Section have confirmed that the land adjacent to the Club lacks sufficient width to accommodate a safe and satisfactory access for two way vehicular traffic and pedestrian movement. Furthermore the land is outside of the applicants and Council's ownership or control.

As part of the public consultation response, residents have raised concerns with regard to the structural integrity and capacity of Blake Street to accommodate the construction and additional residential traffic generated by the proposal, citing situations where larger vehicles such as fire engines and refuse wagons have had difficulty accessing the street.

In response, amended plans have been received indicating the realignment of the Blake Street-A4233 junction to improve visibility splays and the provision of double yellow lines to keep the junction clear of parked vehicles. Double yellow lines are also indicated on the lower part of the hill and round the corner at the western end of Blake Street. Residents have raised further concerns that such alterations will have a detrimental impact on existing residents and would cause parked vehicles to be displaced further into Blake Street, closer to the development.

Following consultation, the Transportation Section have stated that the existing access does raise concerns with the existing on street parking arrangements reducing the available width to single file traffic, which potentially would result in reversing movements to the detriment of safety of all highway users and free flow of traffic. However, on balance it is considered that limited additional traffic generated by 29 dwellings in association with the highway alterations proposed makes the proposal acceptable subject to conditions. It is also noted that the estate road to serve the proposed development is in accordance with the Council's design guide and is therefore acceptable.

Whilst members of the public have raised concerns regarding increased levels of traffic, it is considered that subject to the alterations proposed, the highway network has capacity to accommodate the traffic generated by the development and in line

with the above consultation response, subject to conditions, the proposal would not be so detrimental to the highway safety and free flow of pedestrian and vehicular traffic to warrant result of the application on such grounds. The application is therefore considered compliant with the requirements of policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Land Contamination, Drainage and Flood Risk**

The application site was the subject of a land reclamation scheme and has remained vacant since. On inspection it appears that the site is poorly drained with areas of temporary standing water evident. The site is raised relative to the Afon Rhondda Fach river and is not within a C2 flood zone. Whilst the applicants have submitted a Coal Mining Risk Assessment in support of the application, the site does not fall within the High Risk Coal Field Area.

Following consultation, the Council's Land Reclamation and Engineering (Drainage) Section and Dwr Cymru/ Welsh Water have raised no objection to the application subject to the imposition of conditions requiring the submission of full drainage details prior to the commencement of development. The Council's Public Health and Protection Section have also raised no objection to the proposal and have not requested the submission of a site investigation report.

On the basis of the consultation responses received the application is considered compliant with policies AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Ecology and Trees**

Arboricultural and Ecological Statements have been submitted in support of the application. Following consideration the Council's Countryside Section have raised no objection to the application noting that the majority of the affected site is wet brownfield marshy grassland of moderate species richness which is of local ecological value, but below SINC quality. The habitat is of relatively recent origin (20 or 30 years) and has colonized because the ground is a poorly drained industrial plateau created as part of a land reclamation scheme. Although the development would have an ecological impact of 'relatively minor significance', design details do allow for retention of some of the existing trees and scrub around the site. However, species mitigation measures will be required for nesting birds and reptiles, with proposals for controlled clearance (via a Wildlife Protection Plan), invasive plant control, lighting control, biodiversity enhancement proposals, and a rolling 5 year Biodiversity Management plan for retained areas. It is therefore recommended that the mitigation is secured by the imposition of condition and long-term after care and management of the tree habitat zones is secured by way of a Section 106 agreement. Following consultation the developer has confirmed that they are willing to enter into a Section 106 legal agreements to provide such management.

In light of the consultation response received, the application is considered compliant with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Affordable housing**

Policy NSA11 of the Local Development Plan requires the provision of 10% affordable housing on development sites capable of providing ten or more units. Based on the indicative provision, the developer would be required to provide 3 units of affordable housing. Following consultation the developer has confirmed that they are willing to enter into a Section 106 legal agreements to secure and provide such provision. The application is therefore considered compliant with the requirements of policies CS1, CS5 and NSA11 of the Rhondda Cynon Taf Local Development Plan.

### **Play Facilities**

In accordance with the Council's Supplementary Planning Guidance: Planning Obligations, recreation facilities obligations apply to residential developments that contain or are reasonably expected to generate 10 or more eligible units. Based on the details submitted it is unlikely that a development on the site would generate sufficient demand for a locally equipped area of play. As a result a commuted sum contribution towards off site provision and maintenance, secured and provided by a Section 106, has been recommended by the Park and Countryside Manger. Following consultation the developer has confirmed that they are willing to enter into a Section 106 legal agreement to make such a contribution.

### **Community Infrastructure Levy (CIL) Liability**

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

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

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

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

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.

In this case the developer will be required to enter into a Section 106 agreement to provide:

1. 10% affordable housing contribution;
2. Details, provision and delivery of a long term Biodiversity Management Plan and Post Construction Tree Monitoring and Management Plan;
3. A commuted sum contribution towards off site play provision and maintenance costs commensurate with the current Planning Obligations Supplementary Planning Guidance; and
4. Provision of an employment and skills plan.

It is considered that this requirement meets all of the above tests and is compliant with relevant legislation.

## **Conclusion**

In light of the above, it is considered that the principle of residential development of site is acceptable and that development of the site for residential purposes would be compatible with surrounding land uses. It is also considered that subject to conditions, a scheme could be designed for the site that would not have a detrimental impact on the character and appearance of the area, the residential amenity of the on those living closest to the site or the highway safety and free flow of traffic in the area .

On the basis of the above the application is considered compliant with the relevant policies of the Rhondda Cynon Taf Local Development Plan and is recommended for approval subject to conditions.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1.
  - (a) Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - (b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
  - (c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.
  - (d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this

permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):  
13/2017/PL/239A;  
13/2017/PL/239D;  
13/2017/PL/239E;  
13/2017/PL/242 and  
Tree constraints plan

and documents:

- Design and Access Statement;
- Arboricultural report;
- Ecological assessment;
- Transport statement;
- Coal Mining Report and
- Design Statement

received by the Local Planning Authority on the 9th and 15th January 2018, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 1 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any 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 ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Within three months of the approval of the last reserved matter, samples of all the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. 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.

8. No development shall take place until a Species and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing 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 and species could be harmed
- d) Details of specific species and habitat mitigation measures for key species including nesting birds, reptiles and amphibians,



- e) Details of wildlife sensitive lighting proposals
- f) Details of water pollution control measures
- g) Details of invasive plant control
- h) An agreed scheme of progress reporting to the Council during the construction programme.

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii) Installation of physical protection measures and management 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) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the '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

Reason: In the interests of the ecological value of the area, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until a Tree Management Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- a) An appropriate scale plan showing '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, and the maintenance of those features during construction;
- c) Details of pre-construction tree management works.
- d) Pre-construction reporting to the LPA with evidence that tree protection measures are in place, and a scheme of monitoring reporting to the LPA during construction.
- e) Details of the persons responsible for compliance with all elements of the tree condition works.

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

Reason: In the interests of the ecological value of the area, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

11. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the junction build out on Maerdy Road including surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering to the satisfaction of the Local Planning Authority prior to any building works commencing on site.

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

12. The Wester Power distribution column / street light affected by the proposed footway adjacent to number 30 Blake Street shall be relocated in a position to be agreed in writing by the statutory undertakers and the Local Planning Authority prior to any works commencing on site.

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

13. The development shall not be occupied until a Traffic Regulation Order (TRO) along Maerdy Road and Blake Street has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. No works shall commence on site until a condition survey of the culverted watercourse and structural assessment including any mitigation measures have been submitted to and approved in writing by the LPA. The approved mitigation measures shall be implemented to the satisfaction of the LPA prior to any building works commencing on site.

Reason: In the interests of highway safety. To ensure satisfactory access to serve the proposed development in accordance with Policy AW5 of the

Rhondda Cynon Taf Local Development Plan.

15. Off-street parking shall be in compliance with RCT's Supplementary Planning Guidance on Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011).

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of Blake Street and the junction with Maerdy Road affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use 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 extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:00am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

18. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to

throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

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

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

20. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association (LARSOA) guidelines and Active Travel Wales Act 2013 to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National Planning Policies and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National Planning Policies and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**PLANNING & DEVELOPMENT COMMITTEE**

**SITE MEETING**

**APPLICATION NO. 18/0018 – PROPOSED RESIDENTIAL DEVELOPMENT  
(AMENDED PLANS RECEIVED 29/01/18 AND 14/02/18 AND AMENDED  
DESCRIPTION RECEIVED 13/02/18). BLAKE STREET, MAERDY, FERNDALE,  
CF43 4AH.**

**REPORT OF THE SERVICE DIRECTOR, CABINET & PUBLIC RELATIONS**

Author: **Hannah Williams, Executive & Regulatory Business Unit.**

**1. PURPOSE OF THE REPORT**

- 1.1 To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

**2. RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the application in accordance with the recommendation of the Service Director, Planning.

**3. BACKGROUND**

- 3.1 In accordance with Minute No 167 (Planning and Development Committee – 5<sup>th</sup> April, 2018) a site inspection was undertaken on Tuesday 17<sup>th</sup> April, 2018 to consider the access to the proposed development via Blake Street.
- 3.2 The meeting was attended by the Planning and Development Committee Members County Borough Councillors S. Rees, G. Caple, G. Hughes, W. Owen, D. Grehan, P. Jarman, S. Powell and J. Williams.
- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors D. Williams, J. Bonetto and A. Davies-Jones.
- 3.4 Members of the Planning & Development Committee met at the existing turning circle at the South Eastern end of Blake Street, Maerdy.

- 3.5 Members were provided with an overview of the application by the planning officer in attendance, advising Members that the application seeks outline planning permission for residential development on a parcel of land to the south-east of Blake Street Maerdy, with the indicative details indicating the potential development of 29 dwellings. The proposed development would comprise a mix of five house types, predominantly arranged to overlook a central cul-de-sac highway. The officer explained that access to the site would be off the existing turning circle at the south eastern end of Blake Street which in turn adjoins with the A4233 (Maerdy Road/ Richard Street) which forms part of the main highway passing through Maerdy.
- 3.6 Members were advised that the site is outside of but adjoins the settlement boundary. Criteria 5 of Policy NSA12 stipulates that applications for residential development in such locations should be for 10 or fewer dwellings. However it is considered that the contribution that the proposal would make to the housing supply in the area in association with the benefits, outweighs the ten unit limitation.
- 3.7 The Planning Officer advised that the site was an area of reclaimed land and that the ecological and tree reports submitted confirmed the site was of local value but below SINC quality. Conditions with regard to ecology and tree management were recommended.
- 3.8 Members sought clarification in respect of the access to the proposed development, commenting on the sharp bend at the North - East of Blake Street and were informed that double yellow lines would be enforced to help maintain clear access around the bend.
- 3.9 Members raised concerns in respect of the proposed double yellow lines, commenting that there was a potential for these to exacerbate the situation and result in gridlock. The Highways Officer advised that, double yellow lines proposed would facilitate safe vehicular movements, which coupled with other highway improvements and conditions suggested should mitigate adverse impact during and post construction period.
- 3.10 Members requested clarification that should the Traffic Regulation Order application for double yellow lines be refused, could the the planning permission be developed. Officer's confirmed that there were conditions recommended limiting the development pending the outcome of the Traffic Regulation Order. If the Traffic Regulation Order was refused, the applicant could make an application to remove or vary the conditions imposed on any planning permission. Such an application could then be presented to Members for consideration.
- 3.11 Members noted the concerns of the Local Member, County Borough Councillor J. Harries, who felt that there was inadequate disabled parking facilities proposed for local residents of Blake Street.
- 3.12 The Chair thanked the officers for the report and closed the meeting.

**PLANNING & DEVELOPMENT COMMITTEE**

**5 JULY 2018**

**REPORT OF THE SERVICE DIRECTOR, PLANNING**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0018/13 (HL)  
**APPLICANT:** Warton & Evans  
**DEVELOPMENT:** Proposed residential development  
**LOCATION:** BLAKE STREET, MAERDY, FERNDALE, CF43 4AH  
**DATE REGISTERED:** 15/01/2018  
**ELECTORAL DIVISION:** Maerdy

**1. PURPOSE OF THE REPORT**

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

**2. RECOMMENDATION**

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

**3. BACKGROUND**

This application was originally reported to the Planning and Development Committee on 5<sup>th</sup> April 2018 (a copy of the original report is reproduced as **APPENDIX A**). Following consideration of the report Members resolved to defer the application in order to carry out a site visit (Minute 167 refers).

A site meeting took place on the 17<sup>th</sup> April 2018 with the application subsequently reported back to Members at the meeting of the Planning and Development Committee on the 14<sup>th</sup> June 2018 ( a copy of the report back is reproduced as **APPENDIX B**)

Following consideration, Members resolved to defer determination of the application to a future meeting, to allow the applicant opportunity to explore alternative access options.

Following consideration, the Agent has provided the following information:

“Summary of alternative means of access to the site:

1. Land to the side of the Royal British Legion, off-Richard Street, Maerdy
  - a) The access point and land lacks sufficient width to provide a safe and satisfactory access for two-way vehicular traffic and pedestrian movement;
  - b) The land is owned by a third party who is not willing to sell it to facilitate a further access to Blake Street;
  - c) The land to the side of the Royal British Legion is used for access to their cellar. It is also opposite another major road junction leading up to the housing estate and junior school; and
  - d) Due to the highway configuration at this junction with Maerdy Road it would require a new roundabout to comply with highway safety standards. This is not feasible.
  
2. Access from the lane to the rear of Richard Street.
  - a) To achieve a compliant access point along the rear of Richard Street it would be necessary to travel 215m along the rear lane before dropping down into the site;
  - b) The rear lane already serves approximately 68 properties with a single lane width;
  - c) In its present form, the lane is not sufficiently wide enough to allow a safe and satisfactory access for two-way vehicular traffic and pedestrian movement;
  - d) It would not be possible for the developer to widen the width of the existing lane to provide safe two way access and a dedicated pavement as this would require additional land not in the applicants ownership. The existing residents of Richard Street would similarly have a negative view regarding any disruptions and safety;
  - e) There is a significant difference in levels between the rear lane and the site of approximately 5.5m. This would prevent a compliant access road of a suitable gradient to be brought into the site from the rear lane;
  - f) The access point would involve the significant removal of trees and landscaping around the site;
  - g) The applicant does not own the embankment between the site and the rear lane of Richard Street;
  - h) To comply with highway safety standards, any access from this end of Richard Street would involve the formation of a major roundabout and the potential demolition of private houses. None of the land required for this proposal is in the ownership of the applicant and would cause a major protest by local residents; and
  - i) Access from the lane to the rear of Glanville Terrace is only 4.3m wide and has many garages that open onto the lane. This area is not wide enough for two way traffic and a pavement.



3. Access over the field to the south-east of the site.
  - a) A negative response was received from the appropriate department to assess whether the Council would consider selling the developer parts of the adjoining school fields;
  - b) Even if this was possible we would still require a major road junction compliant with highway safety standards;
  - c) There is a significant change in levels which would prevent a compliant access point to the application site; and
  - d) The Welsh Assembly direct must be observed which prevents the removal of playing field and change of use for housing.
  
4. Access via the site of 16 Blake Street and around the back of the allotments to the rear of number 16-20 Blake Street
  - a) There is currently insufficient width to the side of number 16 to accommodate two way traffic and a pavement;
  - b) The ground levels to the north-east of the allotments are significant and would require major level changes and engineering works;
  - c) Access along the side of number 16 Blake Street and along the rear lane to number 30 is too narrow. It is less than 3.0m wide with garden gates opening from each house.

Realistically there are no alternative access points available. The application does not own any other land other than that identified on the application. Considering the above comments, I conclude that we are left without an alternative access arrangement to the application site and wish for the application to be determined on the basis of the latest submitted drawings”

A plan indicating the position of the alternative means of access considered is provided at **APPENDIX C**.

The late letters submitted prior to the application being considered on the 14<sup>th</sup> June 2018 are summarised as follows:

Two electronic petitions containing a total 218 signatures have been submitted in support of the application. The personal information submitted as part of that document indicates that it was signed by persons in various locations around the country. It is the applicant’s opinion that the location given with regard to each signature relates to where they were at time they signed, rather than where they are living. The applicant has stated that those included on the petition are people local to the Maerdy. A summary of the comments provided is given below:

- This is a very good opportunity for the community;
- Lets hope it is will employ local people and not those from outside the valleys
- Nice to see some development in Maerdy
- Maerdy needs investment. Pubs have gone, schools have gone. 29 houses is a good start for the community to grow again
- This will help stop the economic drain from the area.

- This would keep Maerdy people in Maerdy rather than losing them to other villages that are being developed.
- Maerdy could do with an improvement and use some of our waste ground up
- There is a need for four bedroom home in this area.

An extract from a Facebook feed has also been submitted for consideration.

In response to concerns raised at the meeting on the 14<sup>th</sup> June 2018:

There have been no previous planning applications for the development of the site for residential purposes.

The following historical information has been drawn from the Rhondda Borough Planning Registers-

|         |  |          |
|---------|--|----------|
| 92/067  | Environmental Improvements Including tree planting and path construction/ improvement for leisure and informal recreational use. | Approved |
| 93/0662 | Environmental improvements including tree planting and path construction   | Approved |

During the candidate site selection process for the Local Development Plan, a site of 5.88ha, (of which the current application site forms part) was submitted for consideration as an allocated site for an unspecified use. The application was rejected on the grounds of access, flooding, potential adverse impact arising as a result of conflicting land uses and suitability for development (**APPENDIX D**).

The current application site is significantly smaller than the candidate site submission (1.5ha); adjoins the defined settlement boundary and is located away from the watercourse adjacent to the northern boundary of the larger 5ha site.

In line with the housing density requirements of Local Development Plan policy NSA10 (30 dwellings per hectare) the development of 5.88 hectare site for residential development could generate 184 dwellings. It is unlikely that the highway infrastructure leading to the site would be capable of accommodating the increased in traffic movements associated with a development of that scale.

The details submitted in support of the current application indicate the potential development of 29 dwellings over a site area of 1.5 hectares generating a density of 19.33 dwelling per hectare. In this instance, being mindful that the indicative details show the provision of two areas of informal play space and the siting and arrangement of the development to prevent intrusion onto the southern embankment and the loss of trees on the northern and southern edges of the site, the lower density of development is considered acceptable. It is also considered that the highway structure leading the site is capable of accommodating the traffic generated by a development of such a size. The applicant does not own any other land adjoining the application site.

A development density of 30 dwellings per hectare, in line with the requirements of policy NSA10 could generate an application for 45 dwellings on the site measuring 1.5 hectares.