



## **PLANNING & DEVELOPMENT COMMITTEE**

**21 MARCH 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0449/10  
(SF)  
**APPLICANT:** Wellford Estates Limited  
**DEVELOPMENT:** Residential development of 25 dwellings together with associated highway and landscaping works.

**LOCATION:** LAND AT THE PAVILIONS, DARRAN ROAD,  
MOUNTAIN ASH, CF45 3HG

**DATE REGISTERED:** 01/10/2018  
**ELECTORAL DIVISION:** Mountain Ash West

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#### **RECOMMENDATION: GRANT SUBJECT TO A S.106 AGREEMENT**

#### **REASONS:**

The principle of providing residential development on this site has already been established through the approval of a number of previous consents and no changes have been identified either on site or in relation to the relevant planning policy, which would justify a different decision being taken.

The current scheme proposes a total of 25 no. dwellings and whilst two objections have been received, the current scheme is not considered to have a significant impact on the amenities of nearby properties. The redevelopment of this site will result in a significant visual improvement to the area and the amenities of properties overlooking the site.

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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 is a full application for a new build residential development comprising 25 no. 4-bed dwellings comprising 19 no. 2 storey detached dwellings and 6 no. 3 storey town houses.

The scheme includes 4 different house types which are detailed below:

House Type G (4-bed) – 2 storey hipped roof design with front gable feature with dimensions of 7.5m (w) x 8.5m (d) x 9.2m (h).

House Type H (4-bed) - 2 storey pitched roof design with front gable feature and attached single garage with dimensions of 7.4m (w) x 8.5m (d) x 9.5m (h).

House Type J (4-bed) - 2 storey hipped roof design with front gable feature and detached single garage - with dimensions of 8m (w) x 8m (d) x 8.5 (h).

House Type K & L (3-bed) - 3 storey town house / gable feature design with integral garage and small front balcony - with dimensions of 6m (w) x 8m (d) x 11m (h).

The current scheme is very similar in design and layout to previous applications submitted in respect of the site. In July 2009, permission was approved for 25 dwellings comprising 19 no. four-bed detached houses and 6 no. four-bed terraced town houses (07/0481). More recently, permission was granted for 33 dwellings at the site (15/1309) The main visual difference between the current and previous scheme is that the dwellings looking out onto Darran Road now comprise 7 no. 4-bed dwellings, instead of the 11 no. 2, 3 and 4 bed dwellings previously proposed. In 2014, an application was submitted to vary condition 1 of application 07/0481, effectively seeking to extend the time period for implementation, but this was subsequently dismissed on appeal as the applicant had not entered into a planning obligation with the Council in relation to the affordable housing and recreation facilities contributions which were being sought (14/0004). In relation to the most recent application however (15/1309), a recreation facilities contribution of £30k, an affordable housing contribution and Employment & Skills Plan was secured through a S106 Agreement.

The existing access off Darran Road is to be retained and modified to allow for shared pedestrian and vehicular access into the site, with new roads and pavements to adoptable standards provided throughout the site with each dwelling having private parking for at least 2 vehicles. The materials proposed for the scheme included a reclaimed stone base, facing brick with some rendered gables, contrasting brick cills with white uPVC windows and imitation slate roofs.

In addition to the application forms and plans, the application is accompanied by the following information:

- Design and Access Statement B (DAS) - Jay Ashall Partnership (April 2018);
- Geo-technical and Geo-Environmental Report -Terra Firma (Wales) Ltd (December 2007);
- Letter from SLR Consulting (23 January 2007);
- Environmental Noise Study - Sol acoustics (31 March 2006);
- Remediation Strategy - Terra Firma (Wales) Ltd (January 2017);
- Wildlife Protection Plan for Construction – Brenin Associates (February 2017);

- Ecological Technical Note – BE Ecological Ltd (28 January 2019)

The DAS states that the proposed development aims to create a sensitive housing development in the valley and to provide an alternative housing mix in the town. It is also stated that care has been taken not to overdevelop the site whilst providing a community feeling and that the proposal offers a choice and variety of homes within the local area. Whilst the statement confirms that the proposed scheme does not offer any provision for affordable housing, it is acknowledged that as per the previous application 15/1309, a financial contribution would be sought.

The Geo-technical and Geo-environmental Report (December 2007) details the various site investigations carried out in respect of identifying ground conditions and contamination on the site and also identifies various remediation measures required. The subsequent Remediation Strategy (2017) provides a summary of the investigations carried out, the risks that may be involved in developing the site and a number of remedial measures intended to mitigate the identified risks.

The letter from SLR Consulting (23 January 2007) details that site investigations have been carried out, to establish whether the current surface drainage arrangements for the site discharge into the culvert along the boundary of the site with Darran Road.

The Environmental Noise Study (March 2006) examines noise conditions at the time the previous factory existed on site and advises on suitable glazing specifications to achieve desirable internal noise levels in the houses proposed. This could be a relevant planning consideration in some cases, but as the factory has now been demolished, noise is not considered to be a significant issue in respect of impacts upon the future occupants, particularly as the site is predominantly surrounded by existing residential development.

The Wildlife Protection Plan for Construction identifies the methods which have been used in compiling the plan including a site walk-over survey and details the various habitats identified and the protective measures which will be carried out during the construction process.

## **SITE APPRAISAL**

The application site, which has an area of approximately 0.92 hectares is an engineered plateau, with banks along the south eastern and north eastern boundaries sloping steeply downwards away from the site, towards Miskin Road and Gwernifor Park respectively. The general topography of the area is quite steeply sloping downwards from south-west to north-east and therefore there are retaining walls around a significant part of the site boundary, retaining the levels of the site and the land around it. There is currently a high stone boundary wall along the north-western boundary of the site with Darran Road and this also acts as a retaining wall between the site and Darran Road. The site was formerly occupied by factory buildings, but these have now been demolished. Land at the south-east boundary of the site (adjacent to the bowling green) has been developed to provide 17 dwellings (Parc Gwernifor).

## PLANNING HISTORY

15/1309	New build residential development	Approved 03/07/17
14/0004	Variation of condition 1. on planning permission 07/0481 for new build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses	Dismissed on appeal 03/03/15
07/0481	New build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses.	Approved 29/07/09
05/1922	Proposed new build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses (reserved matters).	Approved 14/03/06
02/1618	Residential development (outline).	Approved 17/03/04

## PUBLICITY

The application has been advertised by means of a press notice, the direct notification of neighbouring properties surrounding the site and the display of site notices.

In response, two letters of objection have been received raising the following concerns:

- That there will be motorised or pedestrian access route from Parc Gwernifor side and residents may be allowed construct their own accesses onto Parc Gwernifor, for which residents had to pay to be completed.
- Loss of privacy and overlooking of ground and first floor due to dwellings in 14 Parc Gwernifor facing the gardens and the side of the houses.
- These new house will only add to the congestion and queries over what is going to be put in place to reduce the increased traffic problems.
- Existing problems with higher site levels resulting water draining off the site in heavy rain fall.
- Site has become overgrown with trees, weeds and Japanese knotweed which are present along the boundaries and need to be eradicated and this may also give rise to issues selling the houses.
- Existing wall is old and may become unsafe when earth is moved within site.

## CONSULTATION

Transportation Section - has raised no highway objections subject to the imposition of conditions.

Natural Resources Wales - has raised no objections, however comments are based on the assumption that gross contamination is not present and further re-consultation may be required if this is the case.

Dwr Cymru / Welsh Water - has raised no objections, subject to conditions and advisory notes.

Western Power Distribution - has raised no objection but has advised that any new connection or service alteration will need to be applied for.

Wales and West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail. Any diversion works will be fully chargeable.

Public Health and Protection Section - has raised no objections subject to conditions to control potential contamination. Further advice is also provided in relation to noise, dust, waste disposal and lighting.

Countryside, Landscape and Ecology Section - the Council's Ecologist has confirmed that the Wildlife Protection Plan provides an appropriate treatment for reptiles, and nesting birds and following the submission of additional ecological information regarding the site's large ash tree, has also confirmed that the bat precautionary measures for this ash tree are acceptable.

Parks Department - the Council's Play and Recreation Facilities Manager has confirmed that the £30k contribution towards the provision of, or improvement of play or recreation facilities in the vicinity of Gwernifor recreation ground, secured by previous S106 Agreements relating to the site, is still required.

Education and Children's Services - has advised that as this development is relatively small scale and local schools have sufficient capacity, no contributions for school places are required.

Land Reclamation and Engineering Section - has raised no objections subject to a condition to require the submission and approval of drainage details.

Housing Strategy Section - has confirmed that their advice remains consistent with the previous application. In accordance with Policy NSA 11 of the LDP, 3 units of affordable housing should be secured at a mix of 1 x 2 bedroom house and 2 x 3 bedroom houses for low cost home ownership. As an alternative to the on-site provision of affordable housing, a financial contribution equivalent to what would otherwise be provided on site would be required. This amounts to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit and the value would be determined at the time of the commencement of development.

South Wales Fire and Rescue Authority - has raised no objections but has advised that the developer should consider the need for the provision of adequate water supplies on the site for fire-fighting purposes and access for emergency fire-fighting appliances.

## **POLICY CONTEXT**

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

The site is identified as being inside the settlement boundary NSA12 and is unallocated. The land lies immediately to the north-west of land allocated under NSA9.11 Gwernifor Grounds, where 17 dwellings have been constructed (Parc Gwernifor).

**Policy CS1** – advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting residential development in locations which reinforce the roles of Key Settlements, including Mountain Ash. This will also be achieved by promoting the re-use of under used and previously developed land and buildings.

**Policy AW1** - confirms that residential proposals will be expected to contribute to meeting local housing needs by providing affordable housing.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations which would not unacceptably conflict with surrounding uses and have good access to key services and facilities.

**Policy AW4** – confirms that contributions towards new or improved works may be sought in respect of a number of facilities including affordable housing, recreation facilities and highway works.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

**Policy AW6** - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land, especially higher density residential development on sites in proximity to local amenities and public transport.

**Policy AW8** - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

**Policy AW10** - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination or instability

**Policy NSA2** - proposals for residential development within Key Settlements including Mountain Ash will be permitted, subject to it being of a high standard of design and integrating positively with existing development.

**Policy NSA10** - advises that all new development within the Northern Strategy Area be built at a minimum density of 30 dwellings per hectare, to allow diversity in the housing market and the efficient use of land.

**Policy NSA11** - requires the provision of at least 10% of affordable housing on sites of 10 units or more.

**SPG** – Nature Conservation

**SPG** – Design and Placemaking

**SPG** – Affordable Housing

**SPG** – Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

**SPG** – Planning Obligations

**SPG** – 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.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations Act into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 ‘People and Places: Achieving Well-being Through Placemaking’, of PPW10 and is also consistent with the following, inasmuch as they relate to the development

Chapter 3 - Strategic and Spatial Choices (good design making better places, sustainable management of natural resources, accessibility, supporting infrastructure);

Chapter 4 - Active and Social Places (community facilities and recreational spaces);

Chapter 5 - Productive and Enterprising Places (economic development, reducing energy demand and use of energy efficiency);

Chapter 6 - Distinctive and Natural Places (landscape, biodiversity and ecological network, air quality and soundscape and lighting).

Paragraph 4.2.1 identifies that:

‘New housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities.’

Paragraph 4.2.2 goes on to advise that:

‘The planning system must:

- identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and

- focus on the delivery of the identified housing requirement and the related land supply.’

Paragraph 6.4.3 also confirms that:

‘Development plan strategies, policies and development proposals must consider the need to:

- Safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them...’

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport.

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

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

The principle of redeveloping this site for residential purposes has been previously established through the grant of both outline and full planning consents, the most recent of which was in 2017 and there have been no material change in circumstances since this approval was given.

The application site is located within the settlement boundary, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society’s future needs. In identifying sites in sustainable locations, Policy AW2 sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. In this case, the application constitutes a full planning application for the redevelopment of a vacant site that is located within the settlement boundary and centrally within the Key Settlement of Mountain Ash, which offers good access to key services and facilities and is also accessible by foot and public transport. The current proposal is therefore considered to comply with Policy AW2 and the principle of dwellings on the site



remains acceptable. Further consideration of the proposed scheme against other policy criteria is provided below.

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

Whilst the site previously accommodated factory buildings and was used for employment purposes, it appears to have been derelict for some time, with broken hard standing and overgrown areas. The surrounding areas are now residential in character with recreation facilities in Gwernifor Park and the re-development of the site for residential purposes will greatly improve the appearance of the area to the benefit of local residents. The only recent visible change within the immediate locality is the addition of 17 dwellings, which have been constructed to the south-east of the site at Parc Gwernifor however, this will assist the integration of the proposed development, into the surrounding residential area.

The current application for 25 dwellings is similar in terms of design and layout to that which was considered under 07/0481. The main difference in the current scheme from that previously approved is that a fewer number of larger dwellings have been located opposite existing properties in Darran Road however, this is not considered to have any adverse impact on the character of the area. The existing entrance and stone boundary wall are to be retained and made good with further soft landscaping to be provided within the site. The proposed street scenes indicate that the development will follow the existing slope down from the west to east and whilst the exact finished site levels have not been provided, this information can be required for submission and approval, prior to the commencement of development.

It has been identified in considering previous applications for this site that a minimum of 30 dwellings per hectare (dph) would normally be required under Policy NSA10, and as such, the 25 dwellings currently proposed will provide 27 dph, which is a slight reduction in density from the previous scheme. Given the physical constraints which already exist on the site and that the development will contribute towards providing more diversity in the local housing market, it is considered however that a reduction in density will not have any adverse impact on the character of the area and that amount of development proposed on the site remains appropriate. There are therefore no issues identified that would conflict with either Policy AW6 or NSA 10 of the Local Development Plan.

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

The design and layout of the scheme is considered to be acceptable in terms of the amenity and privacy of existing residential properties. A number of the new properties will be located backing onto Darren Road, however the majority of the existing properties are located side on to the site and are of a sufficient distance to prevent any loss of privacy. Similarly, existing properties in Bryn Ifor overlook the site but are located at a much higher level and being separated by the highway and a parking area, are of a sufficient distance from the site to prevent any loss of privacy.

The current scheme has resulted in two objections being received from existing properties in Parc Gwernifor on the grounds of loss of privacy and overlooking of ground and first floor windows. The four nearest dwellings on the application site are

however orientated side on to the south-east boundary and are separated from Parc Gwernifor by a public footpath and shared access and parking facilities. The only first floor window on the side elevation of the nearest properties serves a bathroom which can be obscured glazed and it is not therefore considered that there will be any direct overlooking of existing properties or unacceptable loss of privacy. At the time the previous application was considered, an objection was received from a property located adjacent to the north-eastern boundary of the site which resulted in various amendments to the scheme including the removal of a habitable room window in the rear elevation of the nearest dwelling which had potential for overlooking. Whilst no such objection has been received in relation to the current application, it is considered appropriate that a similar arrangement is made in relation to the nearest dwelling (plot 22). The scheme also included a boundary fence set in approximately 2m from the north-eastern boundary which was designed to ensure that the privacy of existing properties were retained and it is considered appropriate that such a fence is provided with the current scheme.

At the time the previous application was determined, it was also considered appropriate to remove some of the 'permitted development rights' in relation to certain plots to ensure that levels of privacy and overlooking remained acceptable. Such measures are considered to remain necessary in relation to plots 9, 18, 19, 22 and 23 in the current application and are therefore included in the conditions set out below. Subject to these conditions, it is therefore considered that the proposal complies with Policy AW5 of the Local Development Plan.

### **Access and highway safety**

The existing access from Darran Road is to be retained and improved to allow greater visibility and to allow for shared pedestrian and vehicular access into the site. The proposed dwellings have been provided with either garaging or off street parking which complies with the Council's SPG. The Transportation section has identified however that the proposed junction would sever the continuity of the double yellow lines abutting the site frontage and has advised that the developer would be responsible for consultation and implementation of any amendments required to the existing Traffic Regulation Order (TRO).

In relation to movement around Mountain Ash, it is identified that the location of bus stops along Darran Road enables good access into the town centre and the location of the site approximately 200m from the railway station enables convenient access to Cardiff and beyond. The location of the site within Mountain Ash therefore enables a range of different sustainable transport modes. The Transportation Section has not identified any additional highway safety concerns subject to the imposition of conditions which are included below.

Whilst the public consultation exercise has resulted in concerns being raised in relation to a potential access being created from Parc Gwernifor, there is no such proposal included in the current application. It is considered that the proposed layout and appropriate boundary treatments which will need to be carried out in order to protect residents' privacy would effectively prevent any further vehicular accesses from being created and it is not considered that the creation of any pedestrian accesses would adversely affect existing properties.

## **Ecology**

In relation to the ecological impact of the scheme, the current application is supported by a Wildlife Protection Plan for Construction which has been prepared in response to a requirement of a previous consent for such a plan (condition 21. of 15/1309 for 33 dwellings). The report identifies the methods which have been used in compiling the plan including a site walk-over survey and details the various habitats identified. A method statement, including various protective measures to be carried out during the construction process is also included. Further supplementary information has also been submitted regarding the ash tree on site, which includes a bat method statement which will be put in place as the felling of the tree is likely.

Following confirmation received from the Council's Ecologist that the Wildlife Protection Plan and supplementary report provides an appropriate treatment for reptiles, nesting birds and bats, it is not considered that the re-development of the site will have an adverse impact on ecology within the area and is therefore considered to be in compliance with Policy AW 8 of the Local Development Plan.

## **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.

## **Land Contamination**

At the time the previous applications were determined, the comments of the Public Health and Protection Section in respect of the report dealing with contamination were taken into account and addressed through the imposition of appropriate conditions. Public Health and Protection Officers have not raised any further issues in relation to the current application subject to the imposition of appropriate conditions to mitigate the effect of any contamination at the site. NRW has also noted the information contained within the Geotechnical & Geo-environmental Site Investigation Report and does not consider the controlled waters at the site to be of the highest environmental sensitivity, however it is advised that if gross contamination is found to be present at the site, they may need to be re-consulted. It is therefore considered that through the use of appropriate conditions, any risks as a result of land contamination will be acceptably reduced in compliance with Policy AW10 of the LDP.

## **Drainage and Flooding**

The application does not include details in relation to the current scheme although supporting information confirms details of previous site surveys carried out and it is indicated that surface water for the site will be managed through a discharge to an existing watercourse. Land Reclamation and Engineering Officers have not raised any issues in relation to the proposed drainage strategy for the development and whilst concerns have been expressed in the representation letters received regarding water draining off the site, there is no evidence to suggest that this

situation could not be appropriately managed when the site is developed. Subject to an appropriate condition to require the submission of a drainage system, it is considered that the proposed development would not raise any issues and would be compliant with Policy AW10 of the LDP.

### **Public Health and Protection**

Whilst the comments raised by the Council's Public Health & Protection Section are noted, it is considered that noise, dust and waste can be more efficiently controlled by other legislation. An appropriate Informative can be added to any permission notifying the applicant / developer of the need to comply with legislation concerning noise, dust and waste matters.

### **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 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**

**Recreation Facilities** - a Section 106 Agreement was previously signed in respect of previous applications 02/1618, 07/0481 and 15/1309 requiring the payment of £30k for the provision or upgrading of the play or recreation facilities in Gwernifor Recreation Ground. The Council's Play and Recreation Facilities Manager has confirmed that this contribution is still required and therefore a new agreement would need to be made in respect of this planning application, in order to secure such payment.

**Affordable Housing** - it is considered appropriate in view of the relevant LDP policies relating to affordable housing (AW1, AW4 and NSA11), that a contribution towards affordable housing is provided in respect of this application. The Housing

Strategy Section has indicated that in accordance with Policy NSA11 of the LDP, 3 units of affordable housing should be secured and whilst the application details confirm that the current scheme does not include the provision of affordable housing on site, it is acknowledged that an affordable housing contribution would be sought.

It is therefore considered appropriate that the applicant should enter into a new agreement in relation to this application in order to secure:

- A recreation facilities contribution of £30k;
- An affordable housing contribution comprising 1 x 2 bedroom house for low cost home ownership and 2 x 3 bedroom houses for low cost home ownership or in lieu of on-site provision, a contribution equivalent to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit.

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

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

### **Conclusion**

Having taken into account all of the issues identified above, it is considered that subject to the securing of Section 106 Agreement relating to recreation facilities and affordable housing contributions, the proposed re-development of the site to provide 33 dwellings is acceptable, complies with relevant policies of the Local Development Plan and will result in a significant visual improvement to the area.

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

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Proposed Site Location Plan - 561-500 - April 2018
- Proposed Site Location Plan - 561-505 - April 2018
- Proposed Site Layout & Plot Allocation Plan - 561-506A – March 2019
- House type G - 561-501 – April 2018
- House type H - 561-502 – April 2018
- House type J - 561-503A – March 2019
- House type J Option B (Plot 22) – 561-111 – March 2019

- House type K & L - 504 – April 2018

and documents received by the Local Planning Authority on 1<sup>st</sup> October 2018 and 11<sup>th</sup> March 2019.

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

3. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

4. No dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

Reason :In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

5. If during development works any contamination is 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 the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local

## Development Plan

6. 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 buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be 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.

7. Before any works start on site, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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. 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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) 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 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. 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.

12. Before the development is brought into use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan, drawing No. 561 – 506 and approved by the Local Planning Authority. The car parking facilities including garages shall remain for the parking of vehicles only thereafter.

Reason: In the interests of highway safety and free flow of traffic and to ensure vehicles are parked off the public highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the approved plans, development shall not commence until full engineering design and details of the proposed junction, off-site highway improvements and internal road layout including longitudinal sections, cross sections; street lighting, surface water drainage, structures and traffic calming have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

14. The development shall not be occupied until an amendment to the existing Traffic Regulation Order (TRO) along Darran Road and the proposed site access 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.

15. No works shall commence on site until details and design calculations of the retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of highway safety in accordance with Policy AW5



of the Rhondda Cynon Taf Local Development Plan.

16. 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.

17. HGV's used during construction 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. Building operations shall not be commenced until samples of the *proposed* external materials 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.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no extensions shall be erected or constructed (other than any hereby permitted), onto the rear or side elevations of the dwellings on plot 22 and plot 23 without the prior express permission of the Local Planning Authority.

Reason: To protect the amenity of nearby properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

20. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no additional window openings shall be inserted into the first floor rear or first floor east side elevations of the dwellings on plot 22 and plot 23 or the first floor south-east side elevations of the dwellings on plots 9, 18, and 19 without the prior express permission of the Local Planning Authority.

Reason: To protect the amenity of nearby properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

21. The development shall be carried out in strict accordance with the recommendations set out in the Wildlife Protection Plan for Construction (Brenin Associates) dated February 2017 and the Ecological Technical Note (BE Ecological Ltd) dated 28<sup>th</sup> January 2019), unless otherwise agreed 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

22. The first floor bathroom windows on plots 9, 18, and 19 shall be glazed with obscured glass to industry standard level 3 or greater and this glazing shall be retained in perpetuity.

Reason: To safeguard the privacy of residents in the locality in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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