



**PLANNING & DEVELOPMENT COMMITTEE**

**5 DECEMBER 2019**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0866/10 (GH)  
**APPLICANT:** Trivallis & SPMS  
**DEVELOPMENT:** Eight affordable 2 bed homes and four affordable 1 bed flats, car parking, landscaping and ancillary works.  
**LOCATION:** LAND TO THE WEST OF 74 HOWARD STREET, CLYDACH VALE, TONYPANDY, CF40 2BP  
**DATE REGISTERED:** 30/10/2019  
**ELECTORAL DIVISION:** Cwm Clydach

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

**REASONS:**

The application site is located within the settlement boundary and incorporates previously developed land. Therefore the principle of residential development would be acceptable.

In addition the proposed development would provide twelve affordable housing units and given their proximity to public transport options and onward links, together with a range of shops, services and facilities within convenient walking distance, the site would be considered to occupy a sustainable location.

Since the design, scale and layout of the new properties would neither detract from the street scene and would not cause detriment to the amenity of surrounding residential occupiers, the development is considered to be acceptable.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Head of Planning.

## **APPLICATION DETAILS**

Full planning consent is sought to construct 8 two-bedroom houses and 4 one-bedroom flats at land to the west of 74 Howard Street, Clydach Vale.

The houses would be arranged in two separate short terraced blocks with the flats positioned as detached structures at either end. However, due to the steep fall in land levels towards the south, the properties would be arranged as split level. Consequently their elevations, where viewed from Howard Street, would appear as bungalows, and the other floor would only be apparent from the rear.

In respect of the houses, although their primary access would be from Howard Street, this floor would effectively be the first and accommodate the two bedrooms and bathroom, whilst the 'ground' floor, with day to day living space, would be below.

Off-street parking, a total of twenty-two spaces, would be provided to the northern front elevation with direct access from the adopted highway. These would be linked via a pathway with some limited planting. Amenity space would be created at the rear via a retained terrace, with steps leading down to an adopted rear lane.

In addition to the plans and elevation drawings accompanying the application, a planning statement has been submitted together with three-dimensional 'perspective views' of the proposed development.

Lastly, it has been confirmed that this 100% social rented scheme has been brought forward in association with Trivallis and in dialogue with the Council's Housing Strategy Team to help address the need for additional affordable housing within Clydach Vale. The unit mix and tenure proposed accord with the Local Housing Market Assessment 2019.

## **SITE APPRAISAL**

The application property is a rectangular piece of land located to the western end of Clydach Vale. Comprising a surface area of approximately 0.2 hectares, the land is accessed directly from Howard Street to the north and is adjacent to its junction with Park Street.

Virtually none of the site is flat and as noted above, the ground falls away to the south. The surface has been left clear and maintained as an open area of grass, and other than for the eastern boundary alongside no.74, the site is bounded by adopted highway on the other three sides.

The surrounding properties are all residential in nature, consisting of traditional Victorian terraces to the north, east and south. To the west there is a formal area of play and Howard Street leads to the site of the former Cambrian Colliery.

The closest neighbouring properties to the site boundary are located immediately to the east, 31m to the north and 10.6m to the south.

## **PLANNING HISTORY**

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

**15/1606/13:** Outline - proposed erection of 8 x 3B semi-detached houses with on-curtilage car parking (access and layout not reserved). (Amended Design & Access Statement received 01/03/16 and amended plan received 23/02/16).  
Decision: 30/03/2016, Grant

## **PUBLICITY**

The application has been advertised by direct notification to thirty-eight neighbouring properties and notices were erected on site.

One objection was received from a resident of Howard Street, highlighting concerns about on-street parking being at its limit; the volume and speed of traffic; capacity at the local school, and anti-social behaviour at other new properties nearby.

## **CONSULTATION**

### Highways and Transportation

No objection subject to conditions

### Western Power Distribution

A new connection or a service alteration would require a separate application to WPD.

### Natural Resources Wales

No objection

### Countryside – Ecologist

The site consists of amenity grass, which contains no floristic interest and has no nesting bird potential. In addition experience has shown that reptiles take a number of years to colonise areas and given that this area appears to have been regularly mown, until recently, any reptile potential is greatly reduced. It would therefore be unreasonable to require a reptile survey or specific mitigation.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Clydach Vale

**Policy CS1** - promotes developments which re-use previously developed land.

**Policy CS4** - sets out the housing requirement figure for the County Borough over the plan period.

**Policy CS5** - sets out the affordable housing requirement figure for the plan period.

**Policy AW1** - sets out the criteria for new housing proposals.

**Policy AW2** - promotes development in sustainable locations.

**Policy AW4** - details the criteria for planning obligations including the Community Infrastructure Levy (CIL).

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

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** - does not support development where unmitigated environmental, public health or amenity risks are present.

**Policy NSA10** - residential development should normally have a minimum density of 30 dwellings per hectare or greater.

**Policy NSA11** - The provision of at least 10% affordable housing will be sought on sites of 10 units or more.

**Policy NSA12** - supports housing development within and adjacent to defined settlement boundaries.

### **Supplementary Planning Guidance:**

- Design and Placemaking
- Access, Circulation & Parking Requirements
- Affordable Housing
- Planning Obligations
- Development of Flats

### **National Guidance**

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

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

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

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

Chapter 1 (Managing New Development)

Chapter 2 (Maximising Well-Being and Sustainable Places through Placemaking)

Chapter 4 (Active and Social Places)

Other policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing

PPW Technical Advice Note 11 - Noise

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

### **Main Issues:**

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

The application site is entirely within the settlement boundary for Clydach Vale. LDP Policy NSA12 presumes in favour of development on sites within and adjacent to settlement boundaries in the Northern Strategy Area, subject to wider policy considerations.

In addition Policy AW1 acknowledges that new housing will be supplied, in part, by the development of unallocated land i.e. windfall sites.

LDP Policy CS4 is supportive of housing provision at locations other than strategic sites, albeit that any proposals should accord with Policy AW2.

The latter policy identifies a range of criteria, in respect of the sustainability of a location. These include access to public transport options and local services, and that the site is

neither at risk of flooding or would be incompatible with surrounding land uses. The proposed development would comply with these requirements.

Furthermore, since the development would provide 100% affordable units, the requirement of Policy NSA 11 for the provision of 10% affordable housing on site of 10 units or more is already met. Likewise, Policy NSA10, in respect of the density of development achieving 30 dwellings per hectare, would be well-exceeded.

Lastly, it is noted that the site previously benefitted from outline consent for 8 three-bedroom detached houses, the consent for which expired earlier in 2019. Therefore, notwithstanding the specific planning matters considered further below, the application is considered to be acceptable in principle.

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

Regarding the design of the new properties they, like the neighbouring dwellings to the east, would be arranged as split level. This recognises the need to manage the steep fall in level towards the south.

The properties would also be constructed and aligned parallel to the highway, which would reflect the linear terraces characterising most of Clydach Vale, and whilst designated parking to the front of terraces is not historically typical, in this case it is both necessary and practical for future residents for it to be located adjacent to the highway.

The Planning Statement accompanying the application makes reference to the proposed external materials of cream render and blue/grey concrete roof tiles drawing on local context.

Although the closest houses to the site are stone-faced, with some finished with render and pebble-dash, the appearance of the development which is of a contemporary, if unexciting, design would not be harmful to the edge of settlement setting and the single storey principal elevation would have a minimal cumulative mass.

At the rear of the development level gardens and amenity space would be provided via some significant engineering and retaining structures which, even with the proposed boundary fences, would have some prominence. Nevertheless, usable and level external space is necessary to meet DQR standards and such features are not uncommon in locations where the topography is a challenge to development.

As such, it is considered that the proposals will not detract from the character or appearance of the area and the development would be acceptable in these terms.

### **Impact on residential amenity and neighbouring occupiers**

With the exception of the land to the west, which comprise a playground and access to a open countryside and a large area of public space, the site is surrounded by traditional Victorian terraced dwellings.

Consequently, the main concern in this regard is whether the development would adversely affect the amenity of the nearest residents, and although one objection was received to the proposal, this matter was not raised.

Noting that the dwellings would appear as single storey from the north, the higher position and set back of the existing houses on the opposite side of Howard Street means that there would be no impact on outlook and no opportunities for overlooking. The same considerations apply equally to the adjoining property to the east, no.74 Howard Street, from which plots 11-12 would be set back a little.

Conversely, there is some concern about the proximity of the properties at Park Street to the south, although the sectional drawings demonstrate that there would be a gap of approximately 23m between opposing elevations.

Given this degree of separation, that the new dwellings would appear as two-storey from the rear, and that the Park Street houses would be partly screened by their rear garden walls, it is considered that the development would not harm the amenity and privacy of existing residents.

## **Highways and accessibility**

### Access

Primary access for the development would be from Howard Street, which has a carriageway width of 7.3m and 1.8m wide footways on both sides of the carriageway.

There are double yellow lines on the development side which prevent on-street car parking taking place, which are necessary to maintain a satisfactory running width given that Howard Street is a bus route. Therefore Howard Street is considered acceptable to serve the proposed development.

To the rear of the site is an adopted lane which enables rear access to the proposed site as well as the dwellings on Park Street. The lane measures 3.2m in width and is satisfactory for a secondary access. However the site boundary adjacent to Park Street must be set back to maintain a site frontage vision splay to a depth of 2.4m and a condition has been suggested accordingly.

To the side of the site Park Street has a carriageway width of 7.4m with 1.8m wide footways and no development fronting on to the highway, which means that there is potential for short term visitor parking to take place without impacting on highway safety.

There is a stepped footway on the development side with pedestrian hand rail which is acceptable and shall remain. However, on account of the pedestrian footway being at a lower level at Park Street, design and details will be required of any adjacent retaining wall adjacent to the public highway taking into which has been conditioned accordingly.

### Parking

The Council's SPG for Access, Circulation & Parking 2011 identifies that the development should provide up to a maximum of 24 off-street parking spaces, comprising 2 spaces for each dwelling and 2 spaces per flat.

The proposed development would provide a total of 22 spaces, but since the flats are of a relatively small scale, with 1 bedroom each, the sustainable location means that this minor under-provision is acceptable.

In addition, there is some concern that the proposed off-street car parking is tandem parking which will result in increased reversing movements which is of concern but not sufficient to warrant a highway objection.

The number of residential units would require a total of 2 visitor spaces with none provided. However, taking into account the availability for short term on-street car parking the visitor parking is acceptable on-street.

### Services/Street Furniture

The Council's Highways and Transportation Section has noted that there are a number of service poles, street lights, benches and post box close to the site, which would be affected as part of the proposal by the off-street car parking accesses. Therefore a condition has been suggested which would require the developer to submit details of their relocation.

## **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.



The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

### **The Section 106 requirements in this case:**

In this case the Council's Housing Strategy Section has noted that the site would provide 100% affordable housing for social rent, which would accord with LDP Policy NSA11.

Therefore a S106 agreement will be required to ensure that the dwellings are established maintained as affordable units, for the continued purpose of meeting identified local housing needs.

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

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

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

### **Conclusion**

The application site is located within the settlement boundary and the principle of residential development would therefore be acceptable and accord with Policies CS1, AW1, AW2, NSA2 and NSA12 of the Rhondda Cynon Taf Local Development Plan.

Furthermore, the proposed housing development has been designed for and in accordance with a registered social landlord, and will provide beneficial additional affordable housing to meet local housing demand.

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

#### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of

five years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the approved drawing numbers:

A103  
A104  
A105  
A106  
A107

and documents received by the Local Planning Authority on 8th August 2019, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until details and design calculations of the retaining wall 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 interest of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period unless otherwise approved in writing by the Local Planning Authority. The Statement shall provide for:

- i) the means of access into the site for all construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) the management of vehicular and pedestrian traffic;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) the sheeting of lorries entering and leaving the site.

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.

5. No development shall take place until details of a scheme for the relocation of any street furniture affected by the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation.

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

6. No development shall take place until a report indicating a methodology for undertaking a conditions survey of Howard Street, Park Street and the rear lane affected by the proposed development has been submitted to and approved in writing by the Local Planning Authority.

The report shall 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, once completed, shall not be brought into use until a final survey, together with any compensation arrangements, have been submitted to and approved in writing by the Local Planning Authority.

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

7. No development shall take place until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. Before the development is brought into use the means of access, together with the parking facilities, shall be laid out in accordance with the submitted plan A103 and approved by the Local Planning Authority.

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

9. The site boundary fronting Park Street shall be set back to maintain a site frontage vision splay to a depth of 2.4m from the rear lane with no planting

or obstruction above 900mm placed within the required vision splay.

Reason: To ensure that adequate visibility is provided, in the interest of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. The site boundary fronting the rear lane shall be set back by 0.3 metres from the edge of the carriageway to ensure that the foundation of the boundary wall does not encroach onto the public highway.

Reason: To ensure that highway maintenance can be carried out without detrimental impact to the boundary wall and in the interest of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. During the construction phase of the development the hours of work shall be restricted to the following:

Monday to Friday	08.00 to 18.00 hours
Saturday	08.00 to 13.00 hours
Sunday and Bank Holidays	Not At All

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

12. No surface water run-off from the proposed development shall be allowed to discharge onto the public highway or connect to any highway drainage system, either directly or indirectly, unless agreed in writing by the Local Planning Authority.

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

13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.