



PLANNING & DEVELOPMENT COMMITTEE

4 APRIL 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1346/10
(GD)
APPLICANT: Davies Homes Ltd
DEVELOPMENT: Proposed 120 unit residential development, with associated landscaping and engineering works.
LOCATION: FORMER BLAENGWAWR COMPREHENSIVE SCHOOL, CLUB STREET, ABERAMAN, ABERDARE, CF44 6TN
DATE REGISTERED: 05/12/2018
ELECTORAL DIVISION: Aberaman North

RECOMMENDATION: APPROVE, SUBJECT TO S106 AGREEMENT.

REASONS:

The principle of the proposed development is considered acceptable and the detail of the proposals are acceptable in terms of other material particulars. The current application also represents an opportunity to bring forward much needed housing in the mid valley area of the Cynon Valley., which will also help to address the current housing land supply shortage in the wider County Borough

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

The planning application seeks full planning permission for the construction of 120 dwellings on the site of the former Blaengwawr Comprehensive School. The house types proposed are as follows –

- 6no. Tintern semi detached three bedroom houses.
- 22no. Ascot semi detached three bedroom houses.
- 14no. Canterbury detached two and a half storey three bedroom houses.
- 7no. Hereford detached three bedroom house types.
- 8no. Harrowgate detached four bedroom house types.
- 21no. Radliegh detached four bedroom house types.
- 14no. Lynton detached four bedroom house types
- 5no. Llandovery detached five bedroom house types
- 11no. Knightsbridge four bedroom house types
- 4no one bedroom walk up flats (social rented)
- 2no. 2 bed 4 person houses (social rented)
- 2no 2 bed 4 person (LCHO)
- 4no Tintern three bedroom house types (LCHO)

The houses will be finished in an Ibstock Hardwicke Sherwood Blaze brick with a smooth grey Marley Modern roof tile with terracotta ridge tiles. Lower level roofs canopies and dormer roof tiles will be plain tiles in a colour to match the main roofs of the dwellings. Windows fascias, soffits and bargeboards will be in white uPVC while the rainwater goods will be in black uPVC. Screen walls will be in the same brick as the main dwellings.

The redevelopment of the site will also require the reconfiguration of the levels on the site and the approach taken in this respect has been to create three distinct levels rising upwards from east to west with the lowest parts of the site immediately adjacent to established residential development. From west to east there is currently a 12m fall across the developable area of the site and this would remain the same though the landform would also alter significantly particularly between the middle and higher levels of the site where a cribblock wall of approximately 4m height will be necessary.

The development will be served by a single means of access via Club Street and the estate will be laid out with a central circulatory arrangement with a series of cul de sacs formed off that to both adoptable and private drive standards. Access to the higher level of the site will also be from the central circulatory road but will initially drive northwards before returning to the highest western part of the site. Each house will be provided with a level of off street parking commensurate with its size in the form of integral or detached garages and driveways.

In addition to the housing, the developers have also indicated that they intend to provide a 48-space car park adjacent to no.1 Club Street with four spaces specifically dedicated to the residents of that street. It is also proposed that a footpath link be provided between the site and Maesyffynon Grove accessing on to the highway of the grove between no's 6 & 8.

The application is accompanied by the following:

- Pre Application Consultation report
- Design and Access Statement
- Arboricultural Report
- Transport Assessment
- Site Investigation Report
- Drainage Strategy Report and Supplementary Statement
- Travel plan
- Ecology Report
- Landscape Strategy

SITE APPRAISAL

The school that previously occupied the site has been demolished with much of the building material retained in mounds on site for re-use in the redevelopment of the site. The site itself forms a series of plateaux with relatively steep slopes in-between. The site slopes downwards from west to east with an overall fall across the site of 20m. Being a former school the site benefits from well-established boundaries consisting of tree and hedgerow to the north, though the site also abuts Maesyffynon Grove at its northwest corner, along with tree and hedgerow to the west and south, with the latter boundary strengthened by the presence of the Nant Gwawr immediately adjacent. The eastern boundary is formed by the presence of the playing field and established residential property.

Access to the site is from Club Street, which also served as the principal access to the school when that was present on the site. Club Street itself forms a junction on to the B4275 Cardiff Road, which is itself the principal route through Aberaman.

The wider area is, with the exception of the primary school overwhelmingly residential in character. Aberaman is itself a mix of property types ranging from traditional 19th century terraced homes to modern homes at the Fairways, which have been built in the last ten years or so. House design is therefore varied as is the use of external finish materials ranging through stone and slate through to brick, tile and render of varying colours.

PLANNING HISTORY

16/1172	Permanent bat house	Approved 20/12/16
16/1112	Prior notification of demolition of school buildings	Permission not required 17/11/16
15/1521	Prior notification of demolition of school buildings	Permission required 21/12/15
10/1210	Flag and flag pole	Approved 22/12/10
09/0269	Variation of condition 6 of planning permission 05/1398 to extend the use of the sports pitch to five evenings a week, Monday to Friday 5:30 to 9:30 pm	Approved 17/06/09
08/0081	Erection of a shelter to be used as a shelter for curriculum delivery, storage sheds for gardening and school resources and equipment	Approved 30/05/08
05/1398	Construction of sports pitch 63m x 101m including fencing and floodlighting	Approved 18/11/05
04/0947	Upgrade of existing red ash pitch to synthetic sports pitch to include perimeter security fencing and artificial floodlighting.	Withdrawn 25/08/05

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has led to the submission of 62 letters, some of which contain no address, offering the following comments and objections with regard to the proposals.

- Proximity of the proposed development to established properties at Maesyffynon Grove would make maintenance impossible.
- Regardless of the level of objection or the amount of objections that might be submitted, the Council have already made up their minds to allow the development of the site to proceed.

- The presence of the sports pitch and the church already exacerbates congestion on the Club Street access road. The parking situation is also exacerbated by an under provision of parking space to serve the new extra care facility and the contractors currently working there and by care workers from sheltered accommodation in Blaengwawr Close.,
- The current proposals will remove 20% of the legal on street parking space that currently exists and the area proposed for a car park is in practice already heavily used by residents and visitors.
- The development will trigger increases in traffic flow at the road junction between Club Street and the B4275 (Cardiff Road), and this remains a source of concern to residents particularly as it would also add to congestion through the course of the development of the site. The development would also increase the number of vehicles using Club Street, which cannot be accommodated.
- The Council will be well aware of traffic congestion and pollution on Cardiff Road at this junction with traffic backing up to the Aberdare roundabout until the works to Cardiff Road were completed if the development proceeds traffic will build up and pollution increase as before.
- If the development is allowed to use Club Street as the only means of access/egress then chaos and a bottleneck will return along with increased pollution. A single means of access is unacceptable and comparisons are made with other recent developments in Cynon Valley such as the Cwm Cynon North site at Mountain Ash, which has multiple access points, and the approval for residential development at the former Coleg Y Cymoedd site Cwmdare where a 5.5m carriageway with 2m footways and 6m junction radii were a requirement.
- The access point opposite the church cannot be altered and will be single track, which will lead to congestion and disruption.
- Parking in Club Street is already difficult as people from outside of the street also park there and the proposals will make matters worse by removing on street parking from the front of 1-4 Club Street.
- The access points would prove unsuitable for the passage of plant, machinery and HGV's during the construction phase.
- The traffic survey is eight years old and does not reflect the current situation with the church and sports pitch. Club Street cannot cope with the increased traffic that the development would generate and alternative or additional access point must be considered.
- Club Street also provides access to sheltered accommodation and will soon host the extra care facility, it has a higher than average elderly population which leads to a higher incidence of care and support workers as well as health professionals needing access at all hours. Maintaining access for emergency vehicles is of great concern.

- Should an incident occur due to the inadequacy of the access, the developer and Members of the Planning Committee would have serious questions to answer.
- The footpath link to Maesyffynon Grove is objected to as it will turn a quiet cul de sac into a busy thoroughfare, the boundary needs to be maintained in order to minimise the potential for crime and anti-social behaviour. The existing fence must be retained. The application forms suggest there will be no further public right of way and the alternative already exists with there being the gated access to Gwawr Street.
- The footpath (former railway line) to Cwmaman already attracts illegal activity and the creation of a footpath into Maesyffynon Grove will open the estate to unknown and potentially unwanted visitors placing an additional strain on police resources. The Crime and Disorder Act 1998 encourages Local Authorities to design out crime.
- If there are to be S106 contributions consideration needs to be given to spending some of the monies on alternative play provision for Maesyffynon Grove as the creation of the footpath will mean that currently safe street play will be lost.
- Whilst the desire to improve access to open space via the proposed link to Maesyffynon Grove is appreciated, it does not work in practical terms given the topography and particularly in relation to access to the former railway line.
- Maesyffynon Grove should remain a cul de sac where local children of all abilities can still safely play in the street. By allowing a footpath link, the Council would be eroding an attractive and safe residential environment.
- Allowing access into Maesyffynon Grove would be contrary to Planning Policy Wales as it would damage the character and amenity of the area and the topography is such that the link would be of no use to those with ambulant impairment.
- It is claimed that Maesyffynon Grove was built with the proviso that it would remain a cul de sac with no additional access, why has this been changed and why has it been allowed to change?
- The proposed walkway would intrude on the privacy of residents of Maesyffynon Grove.
- The proposed footpath link would lead to increased littering.
- Some years ago, the Council proposed that the A4233 be diverted due to congestion on Monk Street and the new line of the road would run via Maesyffynon Lane to the A4059. This would offer a viable alternative to the Club Street only option and could potentially make more land available for development.
- The site survey gives the impression of further development behind Club Street and towards Maesyffynon Lane and on the all weather playing pitch and it is questioned why the developers are only now seeking a short term

solution using only Club Street when better alternatives are potentially available.

- Substantial amounts of surface water will be discharged to the Nant Gwawr this has had its capacity improved at public expense and it still requires regular maintenance and upkeep but with additional storm water entering the stream this procedure will need to be increased at public cost to prevent flooding to local properties
- The upper section of the Nant Gwawr has a deteriorating retaining wall and the developer should contribute to the repair of the watercourse.
- In the higher parts of the Nant Gwawr silt levels have been allowed to build up beyond the invert level of the culvert that runs to the rear of 4-8 Gwawr Street and the situation is exacerbated by the poor condition of retaining walls and the presence of Japanese Knotweed. Residents of Brook Street have been flooded due to a lack of maintenance of the stream and Culvert. An FOI request revealed that before a recent flooding incident no maintenance or inspection had taken place.
- Has the Council paid for the demolition of the school and removal of asbestos from the site? Was public money spent in the demolition of the former Aberdare Boys School or Aberdare Campus at Cwmdare Road? If the answer to the second question is no then why is public money being spent at Blaengwawr? This also undermines the Council's view that demolition was undertaken for health and safety reasons.
- The Council met the cost providing the bat house on the site following demolition at public expense which given that the developer was preparing a planning application they should pay for the works
- The road widening undertaken in the construction of the extra care facility at public expense goes beyond what would have been reasonably necessary to facilitate that development, in preparation for the redevelopment of the school site and not to meet the needs of the extra care facility. Given that the developer was preparing a planning application, they should pay for the works.
- The development of the site could last for between 3 & 5 years and would affect greatly resident's quality of life.
- Devaluation of existing property.
- Loss of privacy
- Plot 8 in particular would have an adverse impact on the light and privacy to adjacent homes due to the difference in levels.
- Concern is expressed that the existing sewerage network does not have the capacity to accommodate the proposed development and that there could be further damage to that infrastructure through the course of development further inconveniencing local residents .

- The proposal will result in further prolonged erosion of resident's quality of life through prolonged disruption and the lack of an alternative access point, and the associated stress that this will cause.

CONSULTATION

Highways – no objections subject to conditions.

Flood Risk Management – no objections.

Public Health & Protection – no objections subject to conditions.

Countryside – no objections subject to conditions.

Education – no objections.

Natural Resources Wales – express significant concern with regard to the development as submitted and advise that planning permission should only be granted if issues relating to European Protected Species (relating to the favourable conservation status of bats) can be satisfactorily resolved.

Dwr Cymru/Welsh Water – advise that whilst they have no objection in principle to the proposed development the site is crossed by water mains and that given the layout proposed it is likely that their consent will be required to divert them.

Western Power Distribution – advise that the applicant be made aware that should they require a new connection or service diversion then a further separate consent from Western Power Distribution would be required.

Wales & West Utilities – raise no objection to the proposed development and advise with regard to the presence of their apparatus in the vicinity of the application site and safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – raise no objection to the proposed development subject to the provision of adequate water supplies for firefighting purposes and the provision of appropriate access for emergency fire fighting vehicles.

The Coal Authority – raise no objection to the proposed development and advise that further detailed consideration of foundation design are required as part of any subsequent Building Regulations application.

South Wales Police – no response received.

Glamorgan Gwent Archaeological Trust – as the archaeological advisors to the LPA have no objections to the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - sets out criteria for building strong, sustainable communities in the northern strategy area.

Policy AW1 – Indicates that in part the supply of new housing will be met by the development of unallocated land within defined settlement limits.

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

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 – requires that development should be able to demonstrate that it will not result in any 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 – requires new development to achieve a net residential density of 30 dwellings per hectare.

Policy NSA11 – indicates that 10% affordable housing will be sought on developments of 10 or more units

Policy NSA12 – sets detailed criteria for housing development within and adjacent to the settlement boundaries

Supplementary Planning Guidance

- Design and Placemaking
- Affordable Housing
- Nature Conservation
- Planning Obligations
- Access, Circulation & Car parking
- Development of Flats
- Employment Skills.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being 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 defined by chapter 2 people and places: Achieving Wellbeing Through Placemaking of the new policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 managing new development.

Chapter 3 strategic and spatial choices.

Chapter 4 active and social places

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 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

The key issues in the determination of this planning application are-

- the planning policy position in relation in particular to the principle of residential development of the site,
- the impact of the proposed development on the character and appearance of the locality
- the impact of the proposals on residential amenity and privacy.
- The impacts on ecology,
- The impacts on highway safety.

Principle of the proposed development

The application site lies within the settlement limits of Aberaman as defined by the Local Development Plan. The site is not allocated for any specific use and was formerly occupied by the Blaengwawr Comprehensive School, which has now been demolished. Given the circumstances, a residential development of the site would be appropriate subject to the proposals as brought forward being able to demonstrate compliance with the planning policies that would affect the proposed development.

One of the key policy requirements is that development should achieve a density of 30 dwellings per hectare in the northern strategy area. In this instance the proposals are for 120 dwellings on 4.49 hectares of land which is below the required threshold however, when other factors such as the slope of the site, the provision of additional parking space and ecological requirements are taken into account the net density is considered acceptable.

A further requirement of policy is that the site should deliver 10% affordable housing. In this instance, 12 affordable housing units are proposed to a mix of social rent and low cost home ownership that is acceptable in terms of the Local Housing Market Assessment and the to the Council's Housing Strategy team. Consequently, the proposed development is considered compliant with the requirements of policy NSA11.

The site lies within settlement limits and is within walking distance of Aberdare town centre and the local centre of Aberaman itself. Busses pass along Cardiff Road on a regular basis and offer good connections to Aberdare bus station and its railway station. Given this situation, it is considered the site itself is sustainably located.

In conclusion, on the issue of the principle of development it is considered that the current proposals are compliant with development plan policies and the policies of Planning Policy Wales insofar as they relate to the above issues.

Impact on the character and appearance of the area

In considering the impact of the proposed development on the character and appearance of the area, it first needs to be acknowledged that the application site

was previously occupied by a comprehensive school. The school has since been demolished with much of the remnants remaining on site.

Furthermore, with regard to this particular issue it should also be noted that the wider area is not characterised by any one particular design style or idiom. The site sits within a traditional village to the south of Aberdare. Though overwhelmingly domestic in character the type and age of housing in the locality varies greatly from traditionally built valleys terraced homes to modern detached brick built properties. In addition to this, the palette of finishes is also varied with stone, brick and rendered walls, and slate and tiled roofs of various types all being represented in the immediate area. Consequently, the proposed development will not appear out of character as it would only reflect the wider mix of house types and finishes already present.

The proposed mix of houses on the site would be typical of what has been built in the area in recent years, that is, combinations of mostly detached or semidetached property. Where the proposal differs slightly is that many of the houses will be built closer to their service roads than previously might have been the case with front-to-front distances for the proposed dwellings typically between 12.5 m and 14.5m.

Whilst the impact on the character and appearance of the immediate locality is broadly acceptable, the proposed footpath link to Maesyffynon Grove has the potential to adversely affect that particular group of houses – the issues are well rehearsed in the comments from the public above. As such if Members are minded to support the current proposals, a condition preventing the creation of such a link is advised.

Impact on residential amenity and privacy

In considering the proposed development in relation to the issue of impact on amenity and privacy, it is important to consider both the nature and significance of any such impacts, particularly if they will affect established residential property. Though the proposal involves the redevelopment of a former school site, which contained large utilitarian buildings, good distance was maintained between the school and established residential properties and this situation will alter if the current submission proves successful.

The developable areas of the site unlike the former school covers the whole of the site and is respectful of existing residential development to a standard that is acceptable in planning terms. At the closest proposed plot 80 is 17m from 12 Maesyffynon Grove though no 12 has only non-habitable areas overlooking the site which will be much lower in any event. Plot 82 would be a similar distance from 13 Maesyffynon Grove which has a dining room window overlooking the site though this too is considered acceptable given the dominant orientation of the established house clearly directs away from that particular relationship. The presence of the Nant Gwawr at the southern boundary of the site means that good distance is maintained between the development and the properties at Tanyard Place and Gwawr Street. Given the difference in levels between the development site and Blaengwawr Close, the relationship between plot 8 as proposed and no 33 requires careful management as the proposed house would be set 2m higher than the established property.

However, given that there would be some 23.5m between the existing and proposed dwellings and that the proposed dwelling would have a side gable elevation facing the rear of the established property the relationship is considered acceptable in planning terms.

Within the development itself typically distances between the fronts of proposed houses are between 12m and 15m while back-to-back distances are greater and are generally well over 20m.

Having regard to the above, it is considered that the proposed development is acceptable in terms of its impact on amenity and privacy both within itself and in relation to established property. As such, the proposal is considered acceptable in terms of Local Development Plan policies AW5 and AW6 insofar as they relate to this issue.

Ecology

Members should first note that there is no objection on an ecological basis to the redevelopment of the site from the Council's ecologist or from Natural Resources Wales. Information relating to the lighting of the site, reptiles, birds and tree roost potential is acceptable. Issues relating to site clearance and the implementation of mitigation will need to be supervised by an ecologist and subject to regular monitoring. The bat roost present on site will be retained and the land transfer details adequately cover maintenance being the responsibility of the developer. The proposals are considered to be compliant with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

Members will note from the representations received that by far the greatest concern of residents has been the single means of access to the site via Club Street. This and other highway related matters are addressed below.

Highways Development Control have given full consideration to the documentation submitted in support of the proposals including the Transport Assessment submission and its subsequent revision dated January 2019. As well as considering the site location and full extent of the application site the following key issues have been considered –

- Trip generation
- Trip distribution
- Junction analysis
- Personal injury collision history
- Access from Club Street
- Internal access roads
- Parking provision
- Safer routes in communities/learner travel/Active Travel (Wales) Act 2013.
- Sustainable modes of transport (walking, bus etc.).
- Travel plan, and

- Traffic Regulation Orders.

The assessment takes full account of the presence of the sports pitch, sheltered accommodation and church, current parking provision and the loss of on street parking because of the proposed access arrangements. Traffic flow and congestion as at present and previously have also been considered as have the suitability of the roads to accommodate larger vehicles. The singular use of Club Street as a means of access is also acceptable. One of the residents points out that some of the data used in the transport assessment is eight years old, this is true in terms of the base data used, however growth factors have been applied to it and it still demonstrates that the development can take place within acceptable thresholds.

Having given appropriate consideration to all of the above issues Highways Development Control have concluded that subject to conditions the proposals are acceptable in highway terms. As such, the proposed development is considered compliant with policy AW5 of the Rhondda Cynon Taf Local Development Plan insofar as it relates to the issue of access and highway safety.

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.

Members will be aware that the application site is currently in the ownership of the County Borough Council and that there is agreement between the prospective developer and the Council to address the educational implications through the land transfer arrangements. This will take place outside of the consideration of the planning application.

Members will note that residents have commented at length about the drainage of the site in relation to the Nant Gwawr stream. Whilst surface water drainage will be directed to the Nant Gwawr, to the south east of the application site, the approach is supported with a drainage strategy which illustrates that discharge rates will be substantially attenuated and that the proposed development is compliant with the requirements of TAN 15 Development and Flood Risk. Other suggestions relating to the maintenance and improvement of the Nant Gwawr stream as put forward by residents lie beyond the scope of the consideration of this planning application.

One objector has suggested that the Council have pre-determined the application and regardless of the level of objection consent will be granted. No evidence is produced to support the assertion and the planning application will be determined on its planning merit. Members will no doubt note that the assessment above covers issues that both favour and count against the proposed development.

The requirements for the Section 106 agreement are addressed below. As mentioned above Members are advised not to allow the footpath link to Maesyffynon Grove and as such, there would be no need or requirement to address the play issue raised.

Non-Planning Issues

The suggestion that the developer or Members would be in some way be culpable should an incident occur at some indeterminate point in the future is not a planning consideration

Whether or not there was a provision/covenant made when Maesyffynon Grove was built to the effect that it should remain a cul de sac is of itself not a planning consideration.

Issues relating to who paid for what in terms of the demolition of the school, the provision of the bat house and the widening of Club Street are not material to the consideration and determination of this planning application.

Some residents have suggested that the development of the site will lead to the devaluation of their own property. Whilst no evidence is produced to support this assertion, in any event, it is not a planning consideration.

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.

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.

The Section 106 requirements in this case

The provision of affordable housing as described in the application details.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the provision of new housing and the creation of 120 new dwellings on a windfall site in the Northern Strategy Area. The development will make a valuable contribution towards the housing land supply shortfall within the County Borough. Whilst the application has generated a substantial amount of concern amongst local residents, particularly with regard to the proposed access arrangements, the application remains acceptable in terms of planning policy and all other material planning considerations.

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 Section 92 of the Town and Country Planning Act 1990.

2. The consent hereby granted relates to the following plans unless otherwise modified by subsequent conditions of this consent –

- Site location plan drawing no:1754.PI.01 Rev A
- Planning layout drawing no: 1754.PL01 Rev A
- External works drawing no:1754.EWL01 Rev A
- Garage details drawing no: HAS/GAR01
- Tintern house type drawing no: HAS/TH01
- Ascot house type drawing no: HAS/AH02
- Canterbury house type drawing no: HAS/CH03
- Hereford house type drawing no: HAS/HH04
- Harrowgate house type drawing no: HAS/HH05
- Radliegh house type drawing no: HAS/RH06
- Lynton house type drawing no: HAS/LH07
- Llandoverly house type drawing no: HAS/LH08
- Knightsbridge house type drawing no: HAS/KH09

- Affordable drawing no: HAS/TH01
- Affordable drawing no: HAS/2.1.1. AFF
- Affordable drawing no: HAS/4.2.1. AFF
- Proposed site sections drawing no: 18090.C/PL200 Rev 1

Reason: For the avoidance of doubt as to the approved plans and to define the extent of the consent granted.

3. Notwithstanding the approved details, the consent hereby granted does not relate to the footpath link between the site and Maesyffynon Grove shown on the planning layout drawing.

Reason: To preserve the character and amenity of Maesyffynon Grove in accordance with the requirements of policy AW5 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. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Building operations shall not be commenced until samples of the external

finishes 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. 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:

- 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.
- 1. 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.
- 2. 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.

8. Any dwelling, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 7 above 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.

9. 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.

10. 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.

11. No dwelling shall be occupied until the approved (as required under condition 10) 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.

12. Other than for works of site clearance, decontamination and preparation, no building works shall commence until full engineering design and details of the works to construct access from Club Street, including measures to accommodate displaced parking, as shown on TA plan 3 and application planning layout drawing no: PL 01 Rev A, including longitudinal and cross sections, contoured plan, street lighting details, traffic calming, parking bay layout/allocation, surface water drainage and service diversions including construction details have been submitted to and approved in writing by the Local planning Authority. The approved details shall be implemented in accordance with a timetable to be agreed with the Local planning Authority at the time the required details are submitted.

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.

13. Other than for works of site clearance, decontamination and preparation, no building works shall commence until full engineering design and details of the internal road layout , as shown on the application layout drawing no:PL 01 rev A, including longitudinal and cross sections, contoured plans, street lighting details, traffic calming, parking bay layout and allocation, surface water drainage and details of private shared accesses with associated bin storage, including construction details have been submitted to and approved in writing by the Local Planning Authority. The approved details

shall be implemented in accordance with a timetable to be agreed with the Local Planning Authority at the time the details are submitted.

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. HGV's used as part of the development shall be restricted to 09:30 to 16:30 weekdays, 09:30 to 13:00 On Saturdays with no deliveries at all on Sundays or bank or public holidays.

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

15. No works shall take place including any works of site clearance and preparation, until a construction method statement has been submitted to and approved in writing by the Local planning Authority to provide for;

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

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

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

16. The developer shall provide to occupier of each dwelling with a travel plan/welcome pack which should contain the following:-

- g) 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
- a) Park and ride/park and share facilities and associated costs and restrictions on use of such facilities
- b) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure
- c) Voucher or other means of contribution towards the cost of public

transport season ticket, or purchase of bicycle or cycling accessories

- d) Local and national cycling routes, and
- e) Any other measures that would encourage use of sustainable modes of travel

Reason: To ensure a reduction in road traffic and the promotion of sustainable modes of travel in accordance with relevant national and local planning policies, in accordance with policy AW5 of the Rhondda Cynon Taf Development Plan.

17. No development shall take place until a Species, Habitat And Tree Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) An appropriate scale plan showing 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 including tree protection;

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 mitigation measures for bats (including tree felling), reptiles and birds.

e) Details of water pollution control measures

f) Wildlife sensitive lighting,

g) Precautionary invasive plant control

h) An agreed scheme of monthly 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 Authority.

Reason: In the interest of maintaining biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

18. The proposed development shall be carried out in accordance with the engineering considerations and recommendations of the site investigation report prepared by Integral Geotechnique submitted in support of the application insofar as it relates to issues of ground stability.

Reason: to mitigate any potential ground instability in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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