



## **PLANNING & DEVELOPMENT COMMITTEE**

**15 APRIL 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

Application No: **18/1409/13** - Outline planning application for residential development and associated works (amended site layout plan received 03/03/21 / amended description 13/06/19), land to the south of Cross Street and Trafalgar Terrace, Ystrad, Pentre

#### **2. RECOMMENDATION**

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

#### **3. BACKGROUND**

Outline planning permission is sought for the redevelopment of the former gas works site south of Cross Street and Trafalgar Terrace, Ystrad for residential use. The application seeks consent for the principle of development as well as access, with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

This application was originally reported to the 17<sup>th</sup> October 2019 meeting of Planning and Development Committee with an officer recommendation of approval (a copy of the original report is attached at **Appendix A**). At that meeting Members resolved that they were minded to approve the application subject to the imposition of a number of conditions and the applicant first entering into a Section 106 Agreement (S.106), in order to secure the provision of affordable housing and an Employment Skills Training Plan.

The S.106 process has not yet been completed due to a landownership issue that arisen at the site. Consequently, the planning permission has not yet been issued.

An existing gas governor is located along the southern boundary of the application site. It was included within the application site red line boundary during the original consideration of the scheme, however, an

issue has arisen between the landowner and Western Power and the sub-station now needs to be removed from the application site.

As a consequence the applicant has amended the site's red line boundary omitting the sub-station and small area of land directly to the north-west for easement. The remainder of the application site boundary remains as previously considered.

As the site boundary has been altered an updated indicative site layout has also been submitted. Whilst the number of units are not confirmed at this stage, the plan illustrates that 23 no. units could be set out in 2 no. cul-de-sacs across the site, whereas the original indicative layout detailed 30 no. units set out around a central access road. The site accesses remain unchanged with 2 no. proposed, 1 no. from Cross Street and 1 no. from Trafalgar Terrace, both along the northern boundary of the site.

As a consequence of the amended plan and the fact that planning permission has not yet been granted the application is reported back to Members for further consideration.

#### **4. PLANNING ASSESSMENT**

As set out above, the only difference between the current iteration of the scheme and that previously considered by Members is a small section of the site where an existing gas governor is sited has been removed from the red line boundary. The remainder of the application site and accesses remain as previously considered.

In light of the very minor alteration to the scheme it is not considered that any further issues would arise that were not already considered in the original report. However, a brief summary is provided below:

The application site is located inside of settlement limits and within a predominantly residential area. As such it is not considered residential use at the site would conflict with surrounding land uses. It is sited close to the village's Local and Neighbourhood Centre and several public transport links and can therefore be considered a highly sustainable location. The development would also make use of a redundant Brownfield site which is encouraged by both local and national planning policy. The redevelopment of the site for residential use is subsequently considered acceptable in principle.

Whilst it is accepted the indicative layout has changed, the number of units has reduced and it is considered that a development scheme similar to this would form an appropriate design given the shape of the plot and the relationship it has with the adjacent neighbouring residential streets. Therefore, it is not considered the general redevelopment of the plot in manner comparable to that illustrated would have a detrimental impact upon the character and appearance of the site or the surrounding area and would actually improve the current situation. It is however

acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at any future reserved matters stage.

Whilst it is accepted that any development at the site would inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding residents, it is considered that a site layout similar to that illustrated would allow sufficient distance between any new properties at the site and the existing residential properties in the locality to ensure that any potential impact would not be significant enough to warrant refusal of the application.

Further, whilst it is acknowledged that any proposed residential units at the site would be located in close proximity of the adjacent railway line and future occupiers may experience a degree of associated noise and disturbance, it is considered that there is sufficient space within the plot to enable suitable soundproofing measures to be introduced that would ensure any potential impact does not form a source of nuisance.

Therefore, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by surrounding residents and that of the proposed units, the scheme is proposed at outline, where the exact siting, layout and scale of the units are yet to be considered. It is therefore considered that a scheme could be produced to ensure that any impact upon amenity is minimal. Members are advised however that this issue would be given further careful consideration at any future reserved matters stage.

With respect to highway safety, as detailed above, the 2 no. proposed site accesses have not altered from the original plan. As such, following assessment of the amendments, no further comments have been received from the Transportation Section, subject to the earlier suggested conditions be attached to any consent.

It also noted that following submission of the amended plan further consultation has been undertaken with the relevant statutory consultees. No objections have been received with all comments reiterating the earlier advice.

The application has also been readvertised by means of direct neighbour notification, site notices and a press notice. No objections have been received.

Finally, Members are advised that the application was originally assessed against edition 10 of Planning Policy Wales (PPW) and that edition 11 has been recently been introduced along with Future Wales: The National Plan 2040 (FW2040).

The aims and general context of the revised PPW document, edition 11, have remained unaltered since the previous version (edition 10), with the

emphasis being on sustainable development. The application site is located within settlement limits and a sustainable location. It is therefore considered the scheme would continue to comply with WG's sustainable development objectives.

Furthermore, given the scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Subsequently, in conclusion, it is not considered the very minor alteration of removing the existing gas governor from the application site would have any further impact than that discussed in the original report. The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable; and the application recommended for approval, subject to the S106 agreement and conditions set out in the original report (although condition 2 would need to be altered to include the amended indicative site layout plan. Plan ref. YR-LAW-XX-XX-DSP- AR-910102 Rev. P05 – Proposed Site Layout and Site Location Plan would be replaced by plan ref. YR-LAW-XX-XX-DSP- AR-910102 Rev. P13).

**PLANNING & DEVELOPMENT COMMITTEE**

**17 OCTOBER 2019**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1409/13 (MF)  
**APPLICANT:** Ystrad Land and Property Ltd  
**DEVELOPMENT:** Outline planning application for residential development and associated works (amended site layout plan received 12/02/19 / amended description 13/06/19).  
**LOCATION:** LAND TO THE SOUTH OF CROSS STREET AND TRAFALGAR TERRACE, YSTRAD, PENTRE  
**DATE REGISTERED:** 03/01/2019  
**ELECTORAL DIVISION:** Ystrad

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**RECOMMENDATION:** Approve, subject to Section 106 Agreement

**REASONS:** The redevelopment of the site for residential purposes is acceptable in principle. Additionally the redevelopment of what is a derelict and unkempt site would significantly improve its current character and appearance and that of the immediate surrounding locality. Furthermore, it is considered that the site is capable of accommodating circa 30 no. dwellings without resulting in a significant impact upon the amenity and privacy standards currently enjoyed by the nearest surrounding residents or highway safety in the vicinity of the site.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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**REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to the Planning and Development Committee for final determination as the proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

**APPLICATION DETAILS**

Outline planning permission is sought for the redevelopment of the former gas works site south of Cross Street and Trafalgar Terrace, Ystrad for residential

use. The application seeks consent for the principle of the development as well as access, with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

Whilst the number of units are not confirmed at this stage, an indicative site layout has been submitted with the application which illustrates that 30 no. dwellings could be located in a roughly linear arrangement across the site around a central access road. The plan shows each unit being orientated to the address the highway and having associated amenity areas and off-street parking spaces. 7 no. house types have been detailed:

- 6 x 3 bedroom semi-detached dwellings;
- 10 x 4 bedroom detached dwellings;
- 2 x 3 bedroom detached bungalows;
- 2 x 2 bedroom semi-detached dwellings;
- 1 x 3 bedroom detached bungalow;
- 1 x 4 bedroom detached bungalow;
- 8 x 1 bedroom apartments.

The applicant has stated that is intended for half of the properties to be sold as open market housing, with the remaining half to be occupied as social rented units under the management of a Registered Social Landlord (RSL), who are yet to be confirmed.

Members are advised that the scheme originally proposed a single access off Cross Street to the north of the site, however, following discussion with the Council's Transportation Section amended plans were received on 12/02/19 whereby 2 no. accesses are now proposed, 1 no. from Cross Street and 1 no. from Trafalgar Terrace, both along the northern boundary of the site. These would be linked via the internal highway layout.

The application is accompanied by the following:

- Design and Access Statement;
- Ecological Assessment;
- Drainage Strategy Report;
- Geotechnical and Geo-environmental Site Investigation Report;
- Site Improvement Verification Report;
- Pre-application Consultation Report.

## **SITE APPRAISAL**

The application site is a roughly rectangular parcel of land that amounts to approximately 8900m<sup>2</sup>. It was formerly occupied by a gas works but all associated features have long been removed and the site cleared. As such the site is now vacant but covered with various scrub vegetation due to a lack upkeep and appears derelict/unkept. There are 2 no. accesses to the site both located along its northern boundary, 1 no. from Cross Street and 1 no. Trafalgar Terrace.

The surrounding area is generally residential in nature with linear rows of traditional terraced dwellings located to the north beyond a service lane that directly abuts the northern boundary of the site. It is noted however that a recent development of 21 no. modern dwellings is located directly to the east and north-east which comprises a mix house types. To the west the site is bound by a residential care home. The Treherbert to Cardiff railway line is sited directly to the south, beyond which are a number of playing fields associated with the nearby Ystrad Leisure Centre.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

10/0382/10 – Engineering works to facilitate environmental improvement (remediation) of land at the former gas works

Decision: Granted, 18/06/10

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification, site notices and a press notice. No objections have been received.

## **CONSULTATION**

Transportation Section – No objection, subject to conditions.

Public Health and Protection – No objection, subject to conditions.

Flood Risk Management – No objection, subject to condition.

Countryside, Landscape and Ecology – No objection, subject to conditions.

Network Rail – No objection.

Natural Resources Wales – No objection, subject to conditions.

Dwr Cymru Welsh Water – No objection, subject to conditions.

Wales and West Utilities – No objection, subject to conditions.

Western Power Distribution – No objection.

South Wales Police – No objection.

South Wales Fire and Rescue Service – No objection.

## **POLICY CONTEXT**

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

The application site is located within the settlement boundary for Ystrad, but is not allocated for any specific purpose.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy CS4** – outlines the extent of the housing requirement that needs to be delivered through the plan period.

**Policy CS5** – outlines the extent of the affordable housing requirement that needs to be delivered through the plan period.

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

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

**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 permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy NSA10** – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 no. dwellings per hectare, subject to certain exceptions.

**Policy NSA11** – seeks a provision of 10% affordable housing on sites of least 10 no. units or more within the Northern Strategy Area.

**Policy NSA12** – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking;



- A Design Guide for Householder Development;
- Affordable Housing;
- Nature Conservation;
- Planning Obligations;
- Access, Circulation and Parking;
- Development of Flats;
- Employment Skills.

### **National Guidance**

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

Planning Policy Wales (Edition 10) sets out the Welsh Government's current position on planning policy and incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning.

It is considered that this proposal meets the seven goals set out in the Well-being of Future Generations (Wales) Act inasmuch as they relate to the proposed development and the site has been brought forward in a manner consistent with the five ways of working. Furthermore, it is also considered that the proposed development is consistent with the key principles and requirements for placemaking set out in Chapter 2 (People and Places: Achieving Well-being Through Placemaking); Chapter 3 (Strategic and Spatial Choices); Chapter 4 (Active and Social Places); Chapter 5 (Productive and Enterprising Places); and Chapter 6 (Distinctive and Natural Places) of Planning Policy Wales (Edition 10).

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 1: Joint Housing Land Availability Studies;
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- 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**

Outline planning permission is sought for the redevelopment of this former gas works site for residential use. The application seeks consent for the principle of the development as well as access, with all other matters being reserved for future consideration. Whilst the number of units is not confirmed at this stage, an indicative site layout has been submitted which illustrates that 30 no. dwellings could be developed across the site. The application also details that it is the intention for 50% of the units to be occupied as open market housing and 50% to be occupied as social rented units.

The application site is located within the defined settlement boundary of Ystrad and is unallocated. Further, the proposed use of the site for residential purposes would not conflict with surrounding land uses which are predominantly residential. As such the proposal meets the relevant criteria set out in Policies AW1 and AW2 of the Local Development Plan (LDP) which aim to support residential development on unallocated land within settlement boundaries. Additionally, the site is located within the well-established settlement of Ystrad, near the Local and Neighbourhood Centre of the village and a number of public transport links. As such it is considered the site is located within a sustainable location and therefore complies with the primary objectives of Policies AW2 and NSA12 which aim to support sustainable development, as well as the overarching sustainable development and placemaking aims of Planning Policy Wales (PPW). Furthermore, the proposed development would make use of a Brownfield site which is promoted by Policy CS2.

It is also noted that Local Authorities are required by PPW and Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1) to ensure that there is a 5 year land supply for housing. The Council does not presently have a 5 year land supply with the Rhondda Cynon Taf Joint Housing Land Availability Study (April 2019) calculating the current supply to be 1.3 years, a deficit of 3.7 years. As such, with the site free from planning, physical and ownership constraints and confirmation from the applicant that it would be economically viable to develop in the near future, the proposed development would go some way to increasing the Authority's housing land supply. Furthermore, the proposal is compliant with Policy NSA10 in that it proposes development which exceeds 30 no. dwellings per hectare (33 no.), and Policy NSA11 with more than 10% of all properties on site (50%) forming affordable units.

Therefore, in light of the above, the redevelopment of the site for residential use is considered acceptable in principle, subject to compliance with the other relevant material considerations set out below.

### **Visual Impact**

The design, appearance, layout and scale of the scheme are reserved for future consideration and would be within the control of the Local Authority. This would therefore allow the Council to reject any future reserved matters scheme that would have an adverse impact in these respects. However, an indicative site layout plan has been submitted with the application that indicates the likely layout of any future development. As such a brief appraisal of the potential layout set out below:

The indicative site layout illustrates that 30 no. dwellings could be arranged in a linear fashion around a central access road. It is considered that a development scheme similar to this would form an appropriate design given the shape of the plot and the relationship it has with the adjacent neighbouring residential streets. As such the application site is considered to be of a scale capable of accommodating circa 30 no. units without leading to overdevelopment of the plot, and further, a layout similar to that illustrated would ensure the new street sits comfortably at the edge of the settlement between the existing residential streets to the north and the railway line to the south. Additionally, the site is currently overgrown and does not appear to have been appropriately maintained since the demolition of the former gas works. It therefore appears unkempt and derelict in the locality and any redevelopment would significantly improve its current character and appearance.

Consequently it is not considered the general redevelopment of the plot in manner comparable to that illustrated would have a detrimental impact upon the character and appearance of the site or the surrounding area, and would actually improve the current situation. It is however acknowledged that the submitted details are for indicative purposes only and that this issue would be given further careful consideration at any future reserved matters stage.

### **Residential Amenity**

Whilst it is accepted that any development at the site would inevitably result in a degree of impact to the amenity and privacy standards currently enjoyed by surrounding residents, it is considered that a site layout similar to that illustrated would allow sufficient distance between any new properties at the site and the existing residential properties in the locality to ensure that any potential impact would not be significant enough to warrant refusal of the application.

The application site is located at a lower ground level than the existing residential properties to the north. Further, the indicative site layout illustrates that a minimum distance of approximately 15m could be achieved between the northern side elevations of the new properties and the southern side elevations of the existing dwellings to the north. Therefore, given the separation distance and difference in ground levels, it is not considered that dwellings of the scale and orientation illustrated would have any undue impact upon the amenity and privacy standards currently enjoyed by the occupiers of the existing properties to the north.

It is acknowledged however that the separation distance between the rear elevations of the new units along the eastern boundary of the site and the rear elevations of the adjacent, existing properties along Ffordd Seren would only be approximately 10m. It is considered that this relationship and separation distance would be unacceptable and would result in direct overlooking of one another, especially from the existing units to the new with the properties within Ffordd Seren being sited at a higher ground level. However, the layout submitted is for indicative purposes only at this stage and it is considered that there is sufficient space within the site to ensure a layout could be produced that would accommodate circa 30 no. units without having any undue impact in this respect.

With respect to noise and disturbance, the plot was last occupied by a gas works which would have been in operation throughout the week, potentially 24 hours a day. Therefore, whilst surrounding residents would have become accustomed to the vacant nature of the site in recent years, a considerable degree of noise and disturbance would have historically occurred. Consequently, whilst the introduction of a number of residential units at the site will obviously intensify its current use and it is accepted that a degree of further noise/disturbance would occur to surrounding residents in comparison to that which they have recently become accustomed to, it is not considered the relative increase in disruption generated by the proposed development would be any greater than that which would have historically occurred.

Finally, it is acknowledged that any proposed residential units at the site would be located in close proximity of the adjacent railway line and therefore future occupiers may experience a degree of associated noise and disturbance. No assessments in this respect have been undertaken at the site or information submitted with the application to indicate if any impact would occur, and if so, how any impact would be mitigated against. However, as the scheme is submitted at outline stage the final design of the units and layout of the site is not yet being determined. It is however considered that there is sufficient space within the plot and suitable soundproofing measures which could be introduced to ensure the proposed dwellings are sited/constructed in a manner that would ensure any potential impact does not form a source of nuisance. As such no objections are raised in this respect but it is considered a condition should be attached to any consent to ensure an appropriate noise assessment is undertaken at the site prior to any works commencing, and any necessary soundproofing measures are implemented on site.

Therefore, whilst it is acknowledged that a degree of impact would inevitably occur to the amenity and privacy standards currently enjoyed by surrounding residents, the scheme is proposed at outline, where the exact siting, layout and scale of the units are yet to be considered. It is therefore considered that a scheme could be produced to ensure that any impact to the amenities of the existing surrounding properties is minimal. This issue would however be given further careful consideration at any future reserved matters stage.

## **Highway Safety**

Following consideration of the scheme the Council's Transportation Section has no objection to the proposal, subject to a number of relevant conditions being added to any consent.

In their assessment of the scheme the Transportation Section commented that both Cross Street and Trafalgar Terrace, which are proposed for access, have high demand for on-street vehicle parking due to their terraced nature and lack of off-street parking provision which narrows their width throughout. Furthermore, the visibility requirement in accordance with Technical Advice Note 18: Transport (TAN 18) is 2.4m x 40m from the junctions of both Cross Street and Trafalgar Terrace onto the A4058 (Gelligaled Road), with the actual visibility from Cross Street being 2.4m x 13m right and 2.4m x 17m left; and the visibility from Trafalgar Terrace being 2.4m x 29m right and 2.4m x 40m left; and both are further restricted due to parked vehicles. Additionally, the junction radii are sub-standard resulting in larger vehicles being forced to use both carriageway lanes, which all raise cause for concern. However, taking into account this is typical of valley streets and there has been no recorded accidents in the vicinity, on balance, the proposed access is considered acceptable.

There is a private lane located directly to the north of the site that links Trafalgar Terrace, Cross Street and the nearby Ystrad railway station. Whilst this is not under the ownership of the applicant or the Council, this lane will inevitably be used by residents of the new development, but is currently sub-standard. As such, in light of the increased traffic and to provide residents of the proposed development with a desire route to the east and west and to also provide a footway link to the railway station, the lane would have to be brought up to adoptable standards. This would reduce pressure and total reliance on Cross Street/Trafalgar Terrace. It is noted however that the site boundary abutting Plot 9 would have to be set back to provide for the necessary visibility splays. Therefore a Grampian condition to this effect is suggested.

With respect to the site itself, it is noted that the submitted layout plan is indicative only, however, a number of concerns are raised with respect to the junction tie in with Cross Street, turning areas, the horizontal curvature of the access road, junction radii and pedestrian footway links within the site. It is considered however that there is sufficient space within the site to overcome these issues and they can be addressed during any future reserved matters application when the detailed layout is considered. As such a number of appropriate conditions have been suggested in these regards.

With respect to parking, based on the figure of 30 no. dwellings as set out on the indicative site layout plan, in accordance with the Council's adopted Supplementary Planning Guidance: Access, Circulation and Parking the proposal would require up-to a maximum of 80 no. residential spaces and 6 no. visitor spaces, a total of 86 no. with only 69 no. provided. However, the proposal provides a minimum of 1 no. space per 1 bedroom apartment, 2 no. spaces per 3 bedroom dwelling, and 3 no. spaces per 4 bedroom dwelling, with 5 no. visitor spaces. Therefore, taking into account the site is within a sustainable location,

close to public transport links and local facilities, the off-street car parking provision would be considered acceptable in this instance.

Therefore, in light of the above highway assessment, whilst it is accepted that a number of alterations would have to be made to the internal highway layout and adjacent service lane if any future reserved matters application came forward, it is considered that an acceptable scheme could be produced and the development would not have a detrimental impact upon pedestrian and highway safety in the vicinity of the site. The application is therefore considered acceptable in this regard, subject to the conditions detailed below.

## **Public Health**

Both the Council's Public Health and Protection Division and Natural Resources Wales (NRW) commented that the previous use of the site as a gas works has the potential to result in significant associated contamination of the land and as such appropriate site investigation works would have to be undertaken prior to determination of the application. As a consequence the applicant has undertaken a number of ground investigation works at the site and submitted the results for assessment through a Geotechnical and Geo-environmental Site Investigation Report. The site investigations information submitted highlights that there are various contaminants present on site, but they can be overcome through a number of mitigation measures which will ensure there is no risk to human health. As such no objections have been raised by either the Public Health and Protection Division or NRW, but a number of conditions are suggested requiring a method statement for the remediation of contamination affecting the site be submitted to and approved by the Local Planning Authority (LPA) prior to any works starting on site.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that construction noise, waste, dust and lighting matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

## **Ecology**

The Council's Ecologist has noted that the application site is largely cleared ground with little potential for protected species or nesting birds. However, there is some low level reptile potential but this could be mitigated against through the submission of a reptile method statement, as set out in the submitted ecology survey. The Ecologist has also commented that the ecology survey has been undertaken to appropriate standards and the conclusions are reasonable. As such, no objections are raised but a number of conditions are suggested to ensure that the mitigation measures suggested in the submitted report are implemented on site.

It is also noted that no concerns were raised by NRW in respect of ecology following assessment of the scheme.

### **Land Drainage and Flood Risk**

No objections have been raised by the Council's Flood Risk Management Section following consultation. It was noted during their assessment of the scheme that the applicant has not provided sufficient site drainage details with the application to fully assess the potential impact of the proposed development in respect of drainage/flood risk, however, it is considered that an acceptable drainage scheme can be implemented at the site that would overcome any concerns. Therefore no objections are raised but it is suggested a condition be added to any consent requiring full site drainage details be submitted to and approved by the LPA prior to any development works starting on site.

It is also noted that no objections were received from Dwr Cymru Welsh Water, subject to standard conditions and advice.

In light of the above advice, the development is considered acceptable in respect of site drainage, subject to the condition detailed below.

### **Other Issues**

Following consultation Network Rail commented that there is potential for the site drainage to impact upon the adjacent railway line. However, no objections are raised as it is considered any issues could be overcome during any future reserved matters application when the detailed site layout is agreed and full site drainage details would have to be submitted for consideration.

It is also noted that no objections were received from Wales and West Utilities, Western Power Distribution, South Wales Police or South Wales Fire and Rescue Service, subject to standard conditions and advice.

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

Section 106 (S106) of the Town and Country Planning Act (as amended) enables LPAs 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 against any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6<sup>th</sup> April 2010, state that a planning obligation, under S106, 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.

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 LDP and the Council's adopted Supplementary Planning Guidance: Planning Obligations, however, it is made clear that this is intended to form the basis of negotiations between all parties.

In this case the developer will be required to enter into a S106 agreement with the Council for the following:

- Affordable Housing – the provision of at least 10% of the units on site as affordable housing in line with Policy NSA11 of the LDP.
- Employment Skills – the agreement of an Employment Skills Training Plan in accordance with SPG: Employment Skills.

It is considered that these requirements meet all of the above tests and are compliant with the relevant legislation.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31<sup>st</sup> December 2014.

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any future reserved matters or full applications. However, the application site lies within Zone 1 of Rhondda Cynon Taf's residential charging zones where a £nil charge is applicable. Therefore no CIL will be payable.

### **Conclusion**

The redevelopment of the site for residential purposes is acceptable in principle. Additionally the redevelopment of what is a derelict and unkempt site would significantly improve its current character and appearance and that of the immediate surrounding locality. Furthermore, it is considered that the site is capable of accommodating circa 30 no. dwellings without resulting in a significant impact upon the amenity and privacy standards currently enjoyed by the nearest surrounding residents or highway safety in the vicinity of the site.

The proposed development therefore complies with the relevant local and national planning policies and is considered acceptable. The application is



therefore recommended for approval, subject to the S106 agreement set out above and the conditions detailed below.

**RECOMMENDATION:** Approve, subject to Section 106 Agreement

1. (a) Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
  
(c) Applications for the approval of reserved matters shall be made before the expiration of 3 years from the date of this permission.  
  
(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - (i) YR-LAW-XX-XX-DSP- AR-910102 Rev. P05 – Proposed Site Layout and Site Location Plan

and documents received by the Local Planning Authority on 21/12/18, 02/01/19, 12/02/19, 23/05/19, 13/06/19 and 12/07/19 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 commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be fully implemented on site in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

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

4. No development shall commence on site until full engineering design and details of the internal road layout, traffic calming, footpath links, street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented on site in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first dwelling.

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.

5. No development shall commence on site until full engineering design and details of the off-site highway improvements including the upgrading of the lane running parallel to (north of) the site, footpath link to the adjacent Ystrad railway station, un-controlled pedestrian crossing points, junction white lining and surface water drainage including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented on site in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to benefit occupation of the first dwelling.

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

6. No development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to 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 cleansing facilities; and,
- vii.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.

7. The Developer shall provide the occupier of each dwelling with a Travel Plan / Welcome Pack which should contain the following:

- a. Bus/train service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
- b. Park and ride/park and share facilities and associated costs and restrictions on the use of such facilities;
- c. Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
- d. Local and national cycle routes; and,
- e. Any other measures that would encourage the use of sustainable modes of travel.

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

8. Off-street car parking and secure cycle storage shall be in compliance with Supplementary Planning Guidance: Access, Circulation and Parking Requirements.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety and to promote sustainable modes of travel in accordance with Supplementary Planning Guidance: Access, Circulation and Parking Requirements and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Surface water run-off from the proposed parking areas shall not discharge onto the public highway unless otherwise 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.

10. 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.

11. Notwithstanding the submitted plans the site boundary abutting the lane access to the west of the site shall be set back to provide for a visibility splay of 2.4m x 22m with no planting or obstruction above 0.9m placed within the vision splay area.

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

12. No development shall commence on site, including any works of site clearance, until a written method statement for the remediation of

contamination affecting the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall be undertaken by a competent person. No deviation shall be made from this scheme unless otherwise 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.

13. No dwelling shall be occupied until all necessary measures set out in the remediation scheme referred to in Condition 12 have been implemented on site and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. The validation report and any associated works shall be undertaken by a competent person. No deviation shall be made from this scheme unless otherwise 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.

14. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the development work recommencing. Any revised contamination proposals shall be carried out by a competent person.

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.

15. No development works shall commence on site, including demolition and site clearance, until a noise assessment has been undertaken on site and the results along with full details of any associated sound proofing/mitigation measures to be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation measures and the mitigation shall be installed within each dwelling prior beneficial occupation. The assessment shall be undertaken by a competent person.

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

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development site die, are removed or become seriously damaged or diseased shall be replaced

in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

17. No development works shall commence on site 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 treatments to be erected. The boundary treatments shall be completed before beneficial occupation of each associated dwelling. 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.

18. No development works shall commence on site, including demolition and site clearance, until a Reptile Method Statement and full details of the biodiversity enhancement measures set out in the submitted Ecology Assessment (Celtic Ecology and Conservation Ltd, March 2018) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation measures thereafter, and the mitigation shall be installed on site prior beneficial occupation of the first unit

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policies AW8 of the Rhondda Cynon Taf Local Development Plan.