



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021-2022:

**PLANNING AND
DEVELOPMENT COMMITTEE
4th NOVEMBER 2021**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No. 9
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APPLICATION NO: 20/1365 – 3 no. Detached 4 bed dwellings each with off road parking for 3 cars. (Resubmission of application 19/0449/10) (Ecology Report received 5th December 2020. Revised plans, reducing extent of site boundary and repositioning proposed dwellings, received 5th January 2021. Revised plan, introducing biodiversity/ecology strip received 14th April 2021). Land adjacent to Brynllan, Trebanog Road, Trebanog, Porth
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1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

3. BACKGROUND

This application was originally reported to the Planning and Development Committee meeting of 7th October 2021. A copy of the original report is attached as Appendix A.

Following consideration of the application Members resolved that they were minded to refuse the application, contrary to the recommendation of the Director for Prosperity and Development, due to concerns in respect of highway safety.

As a consequence, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to officer recommendation.

4. PLANNING ASSESSMENT

The views expressed by Members during the Committee meeting of 7th October 2021 are acknowledged. They reflect the representations and petition received during public consultation, in respect of highway safety matters, for both the current application and the previous application for residential development at this site.

During discussion of the application no particular concerns were highlighted in respect of the principle of the development, its sustainable location, or in relation to any particular visual or direct neighbour impact, rather that the proposed provision of three new accesses directly onto the A4233 would be harmful to highway safety.

The original Committee report to Members considered the matter of highway safety and both the Council's Highways and Transportation Section and South Wales Police shared a view that traffic travelling along the A4233 towards the site from the south would still be accelerating up towards the brow of the hill and beyond the point at which the 30mph speed limit applies.

Nonetheless, following further consideration and the informal site visit referenced within the original Committee report, the Highways Section advised that such matters of concern could be satisfactorily dealt with by an extension to the 30mph zone, and that appropriate visibility splays would be possible with a 3m wide section of shared foot and cycle way fronting the site. Both of these improvements would have been achieved by the use of planning conditions.

However, Members concerns about the potential dangers of three separate site accesses are also noted. In this regard, reference was made during the debate to the Highways Section's comments that there is a general presumption against the provision of new accesses onto principal routes.

Members, as well as the two contributing residents, shared their experience of the heavy volume of fast flowing traffic, the difficulties of navigating and entering the stream of traffic from existing access points, and how these were exacerbated by the bend and brow of the hill at the southern entry to Trebanog.

Consequently, in light of the debate and despite the recommended improvements referred to above, Members took the view that it could not be satisfactorily demonstrated that the development and the creation of the three new accesses would not be unacceptably detrimental to highway safety and the amenity of residents.

If, having considered the above, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would be appropriate:

On account of the proximity of the development to the brow of a hill and a bend and their connection to a busy principal highway, the three proposed new vehicular accesses would be considered to have an unacceptable impact on the safety of highway users and the amenity of residents. The development would therefore be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and the Council's SPG for Access, Circulation and Parking Requirements.

PLANNING & DEVELOPMENT COMMITTEE

7 OCTOBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/1365/10 (GH)
APPLICANT: Mr P Caddy
DEVELOPMENT: 3 no. Detached 4 bed dwellings each with off road parking for 3 cars. (Resubmission of application 19/0449/10) (Ecology Report received 5th December 2020. Revised plans, reducing extent of site boundary and repositioning proposed dwellings, received 5th January 2021. Revised plan, introducing biodiversity/ecology strip received 14th April 2021).
LOCATION: LAND ADJACENT TO BRYNLLAN, TREBANOG ROAD, TREBANOG, PORTH, CF39 9DU
DATE REGISTERED: 14/04/2021
ELECTORAL DIVISION: Cymmer

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: This proposal for three new dwellings, would be located within the settlement boundary and in a sustainable location, as defined by LDP Policies AW1, AW2 and NSA12. The principle of residential development would therefore be acceptable and the land use compatible with the closest neighbouring properties.

The scale, design and siting of the new houses would be appropriate to the appearance and context of the street scene; and would not affect the amenity of third parties to an unacceptable degree. The application is also considered to be acceptable in respect of its access and any highway safety considerations.

REASON APPLICATION REPORTED TO COMMITTEE

Five letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought to construct three detached dwellings on land adjacent to the property known as Brynllan, Trebanog.

The proposal is a resubmission of planning application 19/0449/10 which was refused under delegated powers on the basis of intrusion into the Green Wedge; the absence of necessary ecological survey work and detriment to neighbour outlook. The scheme has been amended in an attempt to overcome the earlier issues with the site no longer encroaching into the adjacent Green Wedge, ecological information provided, and the number of units reduced and site layout altered.

The three dwellings would be of an identical modern design providing accommodation of generous size over two floors. The ground floor would include living and dining rooms together with a study, utility room, WC and large breakfast kitchen. To the first floor there would be a bathroom and four bedrooms, one of which would benefit from an ensuite.

With the exception of a forward-facing gable with ground floor bay window, and a small ground floor projection to the rear, the dwellings would have a near-rectangular footprint. Private garden space would be provided to the west facing rear and each house would have a driveway with turning head and parking for three cars to the side.

Access to each dwelling would be via new vehicular crossovers leading directly onto Trebanog Road. The submitted plans also indicate a footway would be provided between the carriageway and the front boundary of the three dwellings.

In terms of external finishes, the elevations would be rendered and subject to quoin, cill and head details of reconstituted stone. Fenestration would be of white uPVC and each dwelling would be enclosed by a roof of dark grey concrete tiles.

As a result of concerns raised during consultation, the extent of the site was reduced to remove a section overlapping with the land of a third party, and revised plans later received to introduce a buffer strip for the purposes of biodiversity mitigation and enhancement.

The application is accompanied by a Coal Mining Risk Assessment and Preliminary Ecological Appraisal.

SITE APPRAISAL

The application site is a field located to the southern side of Trebanog, comprising an area of maintained grass land and a vegetated highway verge, the latter within the ownership of this Council.

The site comprises a surface area of roughly 0.14 hectares, all of which lies within the defined settlement boundary and there is a general fall in level towards the south-west.

The site is bounded by the A4233 (Trebanog Road) to the east, from where the vehicular and pedestrian access is proposed, and to the north shares a boundary with the property known as Brynllan.

To the south and west the site is adjacent to open countryside, which is also designated as Green Wedge. Both the site and surrounding area are part of a Registered Landscape of Outstanding Historic Interest in Wales.

Other neighbouring properties are located on the opposite side of Trebanog Road, at least 28m from the opposing boundary of the application site.

PLANNING HISTORY

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

- 19/0449/10:** Proposed 4 detached houses each with off road parking for 3 cars. Decision: 01/07/2020, Refused.
- 18/5158/41:** Pre-application advice. Decision: 14/03/2019, Raise Objections.
- 15/1319/13:** Residential development including roundabout access and associated works (Outline). Decision: 02/02/2016, Withdrawn by Applicant.

PUBLICITY

The application has been advertised by direct notification to eleven neighbouring properties and notices were erected on site. Upon receipt of the revisions referred to above a second consultation was undertaken.

Letters of objection were received from five households. One of these letters was from a resident who organised and submitted a petition, containing 26 signatures objecting to the previous application (19/0449/10), requesting that the earlier petition be taken into account for the current proposal. Members are advised that the points set out in the earlier petition have been considered.

The following issues were raised:

1. Three separate accesses to the new properties would be dangerous and on the summit of the hill.
2. The development would jeopardise highway safety for all residents.
3. A request for a second entrance to the cul-de-sac on the opposite side of Trebanog Road was declined due to road safety concerns.
4. Traffic speeds on the A4233 are high and not all drivers observe the existing 30mph limit.
5. On-street parking during rugby matches reduces visibility.

6. A gravity foul sewer connection may not be possible due to the level of the site and a pump station would alter the development.
7. Natural beauty of the site would be ruined, and the historical landscape would be affected.
8. The verge at the front of the site is not within the ownership of the applicant.
9. The site is partly within a Green Wedge.
10. The revised design shows the development of the houses further away from my home but would still have a big impact on my home with parking spaces right on my boundary and my lounge doors looking directly at the gable end of the properties.
11. Disruption, noise and dust arising from the construction process.
12. The dwellings will be opposite our house and will take away beautiful views.

CONSULTATION

Highways and Transportation Section

No objection subject to conditions.

South Wales Police – Traffic Section

The recommended highways condition, in respect of the extension of the 30mph zone, is necessary.

Waste Management

No objection since the bin collection point would be at the front of the properties adjacent to Trebanog Road.

The Coal Authority

The Coal Authority is satisfied with the conclusions of the Coal Mining Risk Assessment Report (24 July 2019). The Coal Authority therefore has no objection to the proposed development, and it will be for the Building Regulations process to ensure that the most appropriate foundation design is installed accordingly.

Western Power Distribution

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

Dwr Cymru Welsh Water

There are no issues with regards to capacity to accommodate the foul flows from the proposed development and it is understood that the surface water will be dealt with by alternative means. Following the introduction of Private Sewers Legislation 2011 all drainage outside of the individual plots will need to be adopted and comply with Sewers for Adoption 7th Edition (Section 104 Water Industry Act 1991) and adopted by the Statutory

Sewerage Undertaker (Dwr Cymru Welsh Water). Therefore, it is down to the developer to provide a scheme that meets these requirements. It should also be noted that an adoption agreement has to be in place prior to any drainage works commencing.

Flood Risk Management

Since the proposed development will encompass works with drainage implications for an area over 100m², Schedule 3 of the Flood and Water Management Act 2010 will apply. No objection or recommendation for condition in relation to surface water flood risk is recommended for this application as this will be adequately managed by both the separate Building Regulations and Sustainable Drainage Systems approval processes.

Countryside, Landscape and Ecology – Ecologist

No objection subject to a condition for the provision and management of species and habitat mitigation.

Natural Resources Wales

No objection subject to a condition for a Construction Environmental Management Plan.

Public Health and Protection

Conditions are proposed in respect of demolition, hours of operation, noise, dust and waste. However, these matters can be better controlled within the scope of existing environmental health legislation and therefore an informative note is considered to be acceptable.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Trebanog,

Policy CS1 - emphasises building strong, sustainable communities in the Northern Strategy Area.

Policy AW1 - this policy is concerned with the supply of new housing within the Borough. It stipulates that the supply will be met by the development of unallocated land within the defined settlement boundaries of the Principal Towns, Key Settlements and Smaller Settlements.

Policy AW2 - provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

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

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Additionally, proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW8 - seeks to protect and enhance the natural environment from inappropriate development.

Policy AW10 - supports development proposals which are not detrimental to public health or the environment.

Policy NSA10 - requires housing density to be a minimum of 30 dwellings per hectare, unless justified to protect the character of the site and residential amenity.

Policy NSA12 - permits housing development in the settlement boundary subject to criteria and allows development outside but adjoining the settlement boundary subject to criteria which includes the site not being within a Green Wedge.

Supplementary Planning Guidance

- 13. Delivering Design and Place-making
- 14. Access, Circulation and Parking Requirements
- 15. Nature Conservation

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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- 16. Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- 17. Policy 2 – Shaping Urban Growth and Regeneration – Sustainability / Placemaking

SE Wales Policies

18. Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further below, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

19. Creating and Sustaining Communities: The development density is appropriate for the edge of settlement location and would contribute to the overall housing requirement within the Northern Strategy Area

20. Facilitating Accessible and Healthy Environments: The application site is located on a bus route with some services and facilities located within walking distance and being within the settlement boundary is considered to be a sustainable location.
21. Maximising Environmental Protection: The development would result in an area of approximately 150m² to be set aside for biodiversity mitigation and enhancement.
22. Growing Our Economy in a Sustainable Manner: The development would have a small but positive effect in terms of construction jobs.

In respect of the other national outcomes listed the development would not be considered to have a negative impact.

Principle of the proposed development

The application relates to the construction of three dwellings on the southern side of the settlement of Trebanog, within the settlement boundary. According to Natural Resources Wales the site is located around 250m to the east of the Rhos Tonyrefail SSSI, and it is also within an area designated as a historic landscape.

In the context of the Local Development Plan Policy AW1 recognises that the supply of new housing, over the period of the Plan, will be delivered by various means. This includes the development of unallocated land within the defined settlement boundaries of smaller settlements.

Furthermore, Policy AW2 supports residential proposals in sustainable locations. By virtue of its location within the settlement boundary, compatibility with neighbouring land uses, public transport access and proximity to existing infrastructure, i.e. water, power and communications, the relevant criteria set out within this Policy would be met.

On this site residential proposals in the Northern Strategy Area would also be required to comply with Policies NSA10 and NSA12.

The former requires that housing developments should achieve a density of 30dph unless a variation can be justified. The application site has a surface area of 0.14ha which would result in a density of 21.42dph. However, in this case, as the Policy confirms, this can be less if the character of the site or residential amenity would be affected. As this is an edge of settlement location and a gap between the development and the property to the north would benefit the outlook and amenity of the existing neighbouring resident, it is considered that a greater density would not be desirable.

Policy NSA12 allows residential development within the settlement boundary so long as it meets certain criteria, which include that neither the provision of open space, highway network or existing car parking provision are adversely affected. Whilst site-specific highway issues are considered further below, the development would accord with this Policy.

Therefore, the proposed development would comply with Policies AW1, AW2 and NSA12 and is therefore considered acceptable in principle.

Impact on the character and appearance of the area

The proposed development is considered to be acceptable in terms of the design, massing, scale, materials and overall visual appearance.

The new dwellings would be of a contemporary design and similar to the type of dwellings that might be constructed by a volume house builder. In terms of how they would fit into the street scene, the variety of the surrounding residential properties means that there is no overriding uniformity of style or pattern of development within close proximity to the application site

For example, the two dwellings immediately to the north are of a contrasting style to the majority of the semi-detached dwellings to the east, being of recent construction. Further to the north-east development is characterised by linear terraces of typical Victorian appearance, most of which have retained their natural stone-faced principal elevations.

The current iteration of the proposal is considered to be an improvement over the earlier refused application, since the number of properties has been reduced by one. Although this has also resulted in a reduction in housing density, the physical spacing of the houses would be relatable to that of the neighbouring houses to the north. In addition, development on the edge of settlements tends to be less dense, better suiting the character of the locality.

Consequently, notwithstanding that the application site is currently an undeveloped field, it is considered that the proposed new dwellings would be acceptable in terms of their visual impact.

Amenity of neighbouring occupiers

The siting of the three dwellings means that most of the neighbouring residents living at properties on the opposite side of Trebanog Road would not be directly affected by the development. A minimum separation distance of 28m would be maintained, and if the distance between opposing elevations is taken into account, the gap would be approximately 38m.

Although a number of Trebanog Road residents acknowledged that the construction of the properties may cause some local disturbance and noise, this would only occur for a limited period. Disruption caused by any construction activities necessary to carry out an approved development would not be a sustainable reason for refusing planning permission.

Conversely, the residents of the property known as Brynllan, to the north, would be more likely to be directly affected, not in terms of any intrusive views or overshadowing, since

the new elevation facing the shared boundary would contain one small bathroom window and the new house would be set lower in the ground, but in respect of outlook.

As highlighted by the residents of Brynllan, their ground floor living room is served by a single large window comprising French doors and sidelights, which is located within the south facing side elevation of the rear offshot.

One of the reasons for the refusal of an earlier application (19/0449/10) was, in part, due to the impact of the development on the outlook from this window, and whilst an amendment was sought to increase the gap between the window and the elevation of Plot 1, the enlarged gap of 11m was felt to be insufficient. At the time it was suggested that reducing the number of dwellings to three might help in this regard, as the current application has done.

The site layout plan shows how the three houses would be arranged and with particular relevance to Brynllan, demonstrates that there would be a gap of around 14m between the living room window and that part of the side elevation of Plot 1 which would be visible. Although direct views from Brynllan to the south would be partly obscured from this window, the loss of a view, either in whole or in part is not a material planning consideration. Furthermore, 14m is considered to be great enough a distance to avoid the development being overbearing, particularly when the outlook would not be wholly altered.

Nevertheless, although the submitted plans show that the new dwellings would be set at a lower ground level, there is a concern about how the development will deal with the fall in levels. Therefore, to ensure that there is no unacceptable impact on neighbours, either from the dwelling on Plot 1 or the associated amenity space and car parking, condition 3 is recommended for the submission of site levels pre and post development.

Accordingly, the proposed development is considered to be acceptable in respect of the amenity of neighbouring occupiers.

Highways and accessibility

Access

The application site is served from Trebanog Road (A4233) which is a principal interurban route carrying a high volume of traffic and links the A4119 and A4058 roads. Trebanog Road has a carriageway width of 6.8m with a 1.8m wide footway on the opposite side and a highway verge on the development side.

The Council's Highways and Transportation Section advises that there is a general presumption against further individual accesses to principal roads which would create hazards to the detriment of safety of all highway users and free flow of traffic.

There is a concern that vehicles approaching the site from the south would be travelling in excess of 30mph which raises cause for concern. However, there is potential to mitigate

against this concern by extending the 30mph speed limit further south along the A4233 to reduce speeds approaching the proposed plot access points.

Furthermore, considering the local context and that the proposal incorporates a turning area to facilitate access/egress in forward gear, the view of the Transportation Section is that the access would be acceptable subject to a number of conditions.

Visibility

The required vision splays for a 30mph speed limit, as stated within TAN18, are 2.4m x 40m. At present it is of significant concern that the 70m stopping distance for the 30mph speed limit area is within the approach to plot three. However, as referred to above, the extension of the 30mph speed limit to the south would reduce speeds approaching the plot access points.

It is noted that the cost of amending the speed limit would be in the region of £10,000 and the Highways and Transportation Section has recommended that any planning consent should be subject to a condition for these works to be undertaken prior to occupation.

Active Travel

PPW establishes a hierarchy of sustainable modes of travel and places walking and cycling foremost, followed by public transport and then the private car. The Active Travel (Wales) Act 2013 also requires safe and satisfactory provision of a footway and cycleway to encourage sustainable modes of travel.

The submitted information and details do not assess and mitigate to comply with these requirements and as such are considered unacceptable. However, since there is potential to provide a shared cycle and footway facility this matter can be addressed by a condition accordingly. The combined cycle and footway would also ensure unobstructed vision splays for vehicles entering and leaving the parking spaces within the site curtilage.

Off-Street Parking

With regard to off-street parking requirements, the Council's SPG requires a maximum of 3 spaces per 4-bed dwelling, with which the development would comply. Access and egress must take place in forward gear and the submitted plans demonstrate that there is space within the front garden curtilage to enable this.

Community Concern

In addition to the above and due to the level of community concern and representations about the position of the proposed site access and the potential harm to highway safety in respect of speeding traffic and available sight lines, the views of South Wales Police Traffic Section were sought.

SW Police has noted that on approach to the site from the south towards Trebanog, there is an uphill gradient on a slight sweeping left hand bend, with limited visibility and line of sight to the proposed site entrance. This section of road falls within the national speed limit area of 60mph, whereas the 30mph speed limit begins just prior to the brow of the hill on entering Trebanog,

From experience SW Police has advised that vehicles are still accelerating up the gradient through the 30mph signage and that there would be a risk for conflict between construction traffic and the speed of vehicles approaching the site from the south. This situation would be the same for the occupants entering and exiting the new dwellings. Consequently, their conclusion is that an extension of the existing 30mph limit is warranted on the grounds of road safety.

Clarification was also sought about whether there would be any remaining safety concerns if the 30mph extension was introduced. SW Police raised a concern about the line of sight exiting from the site due to foliage and trees within the highway verge.

Nonetheless, the Highways and Transportation Section has recommended a further condition for the setting back of the site boundary fronting Trebanog Road to provide for a 3m wide cycle way/footway and link to the existing footway network, which would enable sufficient sightlines to the south and for traffic approaching the site to have visibility of any exiting vehicles.

Site Meeting

A site meeting was held with the representatives of the Highways Section, Planning Case Officer and Chair and Vice-Chair of the Planning Committee on July 16th, 2021.

This gave the opportunity for the abovementioned matters to be reconsidered and concerns about the absence of a safe pedestrian crossing point, the reduction in visibility due to inclement weather, and previous accidents in the vicinity caused by speeding traffic were also highlighted.

Conclusion

Having considered the details of the application and the various representations and concerns raised, the advice from the Highways Section to Members, following the site meeting of July 16th remains the same, and that the concerns can be mitigated via the use of conditions and the speed limit extension.

On balance therefore, and subject to the imposition of the aforementioned conditions outlined above, in particular conditions 6 and 7 below, it is considered that the development would be acceptable in terms of highway safety.

Ecology

With reference to the Preliminary Ecological Assessment, the most significant ecological impact is the loss of the roadside hedgerow/narrow copse. As described in the PEA that is probably an older area of roadside planting and natural regeneration with sycamore, ash, hawthorn and Scot's pine and secondary woodland ground flora. The adjacent field is relatively species poor comprising semi-improved grassland, with a band of bramble scrub.

The affected trees are semi-mature, and the PEA concludes that there is no bat roost present (although bat foraging use is likely), the trees/scrub/bramble will support nesting birds, and there is some reptile potential. The PEA found no badger sett evidence, although Japanese's Knotweed is present.

Since submission of the initial proposal the Applicant has now identified a 3 metre habitat buffer strip to the rear of the three new properties. This would be in accordance with the recommendations of the PEA and is sufficient for the Council's Ecologist to remove his objection.

Therefore, whilst the site affected is of relatively limited ecological value, despite immediately local value for nesting bird habitat, potential bat foraging habitat and for reptiles, any planning permission will need to include a condition for the ecological mitigation and enhancement identified in Section 5 of the PEA and a 10 year aftercare management plan.

Lastly, NRW has recognised that the development site is based uphill from the Rhos Tonyrefail SSSI and notes that the PEA indicates suitable pollution prevention control methods will be required to reduce any potential impacts from the proposed development.

Since no pollution prevention control methods have been included within the PEA, or as part of the application, NRW has advised that a condition should be appended to any planning permission to require the submission of a Construction Environmental Management Plan.

Other matters

A number of other matters were raised by objectors, including a concern that the development would not be able to create a gravity connection to the main sewer. However, the consultation response from Dwr Cymru Welsh Water has stated that it is up to the developer to provide a workable scheme.

It would therefore not be reasonable to refuse consent on these grounds since this would suggest that the Planning Authority was confident that a workable scheme could not be provided, or that there would be no other possible solutions for dealing with foul water – which is not the case.

Concern was also raised about the ownership of the highway verge. In this regard, the land is within the ownership of the Council. The Applicant completed Certificate B of the application form and served the required notice. Whether the Applicant needs to acquire

control or ownership of the land to be able to carry out the development is not a material planning consideration.

Lastly, none of the application site falls within land designated as Green Wedge, following the amendments referred to in the description of development.

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 site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable and therefore no CIL would be payable.

Conclusion

The application property is within the settlement boundary and therefore the principle of residential development would be supported by LDP Policies AW1, AW2 and NSA12.

In respect of other material matters, it is considered that the new dwellings would not be detrimental to the character of the area or be harmful to the amenity of neighbours, to a degree that would warrant a recommendation of refusal. In addition, sufficient biodiversity mitigation and enhancement can be provided to satisfy the Council's Ecologist.

Whilst there are strong community concerns regarding highway safety in the vicinity of the site, the Council's Highways and Transportation Section has advised that such matters can be satisfactorily addressed by the use of planning conditions. On this basis, and in light of the foregoing consideration, Members are recommended to approve the application.

RECOMMENDATION: Grant

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

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

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

23.PC01 Rev. C
24.PC02 Rev. C
25.PC03 Rev. B

and details and documents received on 2nd December 2020, 5th January 2021, and 14th April 2021.

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

3. No development shall commence until details of the existing and finished site levels of Plot 1, to include the ground floor FFL, external amenity space, and boundary treatment adjacent to the property known as Brynllan, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the privacy and amenity of neighbouring occupiers in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. No development, including any site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include but not be limited to:
 - a) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, wheel wash facilities, concrete mixing and washing areas) and any watercourse or surface drain.
 - b) Pollution Prevention: demonstration of how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, and self-reporting of any breaches of the CEMP or pollutions that happen during construction to NRW.
 - c) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
 - d) Resource Management: details of fuel and chemical storage and containment; details of materials; details of waste generation and its management; details of water consumption, wastewater, and energy use.
 - e) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To protect water quality and ensure protection of the natural environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence, 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:
 - a) The means of access into the site for all construction traffic,
 - b) The parking of vehicles of site operatives and visitors,
 - c) The management of vehicular and pedestrian traffic,
 - d) Loading and unloading of plant and materials,
 - e) Storage of plant and materials used in constructing the development,
 - f) Wheel cleansing facilities,
 - g) The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

6. No development shall commence until details of a scheme for the setting back of the site boundary fronting Trebanog Road (A4233), to provide for a 3m wide cycle way/footway and link to the existing footway network, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any beneficial occupation of the development.

Reason: In the interests of highway and pedestrian safety and to encourage sustainable modes of travel in accordance with PPW11 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until details of a scheme for the provision of a Traffic Regulation Order (TRO) along the A4233 Trebanog Road, to extend the 30mph speed limit to the south, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any beneficial occupation of the development.

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

8. No development shall commence until a scheme for the relocation of street furniture service poles affected by the proposal has been submitted to and

approved in writing by the Local Planning Authority and implemented on site.

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

9. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

a) A scheme for the provision of species mitigation and enhancement measures, to include integral bird nesting and bat roosting bricks within the new dwellings and bat sensitive lighting, as identified in Section 5 of the Preliminary Ecology Assessment (MPS Ecology dated December 2020). These measures shall be provided on site prior to the beneficial occupation of the new dwellings and maintained in perpetuity.

b) A protection and management plan for the 3m wide hedgerow/buffer strip along the western site boundary for a minimum period of ten years

Reason: In the interests of nature and landscape conservation in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to any beneficial occupation of the development the parking and turning facilities shall be laid out in accordance with drawing number PC.02 Rev. C. The car parking and turning areas shall be retained solely for this purpose.

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

11. No HGV deliveries during construction shall take place between 7:30-8:30am and 16:30-17:30pm on week days.

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.

12. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.