

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1546/10 (MF)
APPLICANT: RHA Wales Group Ltd
DEVELOPMENT: Mixed-use development (including partial demolition of existing building) comprising commercial space (office and retail) and residential development (5 storey building of 52 no. apartments, 7 no. of which for Local Authority learning difficulties scheme), new turning head, drainage, landscaping, car parking, servicing, and associated works (updated CMRA received 15/12/21, updated Preliminary Ecological Assessment & Bat Survey received 28/01/22 and updated Noise Impact Assessment received 01/02/22).
LOCATION: FORMER CO-OPERATIVE, DUNRAVEN STREET, TONYPANDY, CF40 1AP
DATE REGISTERED: 15/12/2021
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: Approve, subject to conditions and Section 106 agreement.

REASONS: The scheme would bring a vacant and tired site at the heart of the high street back into beneficial use, improving the vitality and viability of the retail centre. It would also provide high quality affordable accommodation and a beneficial 'step-down' type facility that will each provide diversity in the town's housing market.

The development will therefore act as a catalyst for wider regeneration of the town, bringing people back to the high street, having a positive impact from both a social and economic perspective, and supporting and reinforcing the role of the Key Settlement.

Further, it is considered the resulting buildings would significantly improve the public realm in this prominent gateway location and would not result in a detrimental impact to the amenities of neighbouring residents or to highway safety in the locality.

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

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Full planning permission is sought for redevelopment of the former Co-operative store, Tonypandy. The works would involve partial demolition of the existing building and the construction of 3 new commercial units in its place; construction of a block of flats within the rear carpark; and associated works.

The existing building is split over 2 levels, the upper level containing the former Co-operative store and the lower level made up of various associated back of house areas / under-crofts.

The upper level of the existing building would be removed and a new single-storey building constructed in its place, above the remaining substructure. The new building would accommodate 3 separate commercial units, 1 x Class A1 retail store (Unit 1 - 285m²); 1 x Class B1 office (Unit 2 – 325m²); and 1 x Class A3 café/bistro (Unit 3 – 434m²). It is proposed the office be occupied by the applicant, but the occupants of the retail units are yet to be determined.

The new commercial units would front Dunraven Street from which pedestrian access would be gained. They would be of a modern, contemporary design featuring a mix of glazing, brick and cladding throughout (the colours of which are yet to be determined). A small courtyard would be located between Units 2 and 3 where a communal bin store would be sited.

The scheme also proposes a new five-storey residential block to the rear of the new commercial building, within the existing carpark area. It would be of an L-shape accommodating 51 apartments and would be of a similar modern, contemporary design to that of the commercial building, featuring the same mix of glazing, brick and cladding throughout.

8 apartments would be located at ground floor level. They would each be one-bedroom units, 7 of which to be occupied by residents of a Local Authority learning difficulties scheme, and 1 as staff accommodation to allow overnight stays in association with this use. Various communal spaces and associated offices etc. would also be sited here. This 'step-down' type facility would have its own separate access via the building's southern, front elevation, and a separate enclosed communal garden area to the western side.

44 further apartments would be spread across the upper floors, 8 one-bedroom and 3 two-bedroom units per floor. Each would be occupied as affordable housing managed by the applicant and would benefit from a communal rooftop garden area.

Vehicular access for both elements of the scheme would be gained from Bridge Street to the south. A new turning head would be sited here along with a bin/recycling store for the residential building. The existing secondary vehicular access off Lower Dunraven Street to the north of the site would be stopped up with gates, allowing

pedestrian and cycle access here only, except in the case of emergency/maintenance use. The applicant has detailed that this is to prevent the carpark from becoming a through-route for vehicles not associated with the site.

52 off-street parking spaces for use by residents would be arranged along the western and northern extents of the site. No off-street parking is proposed for the commercial use.

2 main landscaped amenity areas will be provided, 1 at the residential building's northern side and 1 to its eastern side, both of which will also form the site's Sustainable Drainage System (SuDS). However, various other landscaping will be located across the site including hedgerows along the northern/western boundaries and scattered trees/planting throughout (including the rooftop garden).

As well as all relevant plans, the application is also supported by:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Noise Impact Assessment
- Preliminary Ecological Assessment and Bat Survey
- Coal Mining Risk Assessment
- Drainage Strategy
- Transport Statement
- Employment Skills Training Plan (Community Investment Strategy)

SITE APPRAISAL

The application site comprises the former Tonypandy Co-operative retail store and its associated accesses/carpark. It is located at the heart of the town centre towards the southern end of Dunraven Street, the main thoroughfare through the town and the town's main high street and retail area.

The site is roughly rectangular in shape and amounts to approximately 0.52ha. The former retail store occupies much of the southern extent of the site with an associated car park to the rear (east) and north.

Dunraven Street is located at a higher ground level than the store's carpark, approximately 6m above, and therefore the existing building is split over 2 levels. The upper level is occupied by the former convenience store and the lower by associated back of house and under-croft areas. The lower level areas form a substantial substructure that provides retaining walls to Dunraven Street and the adjacent public car park at Bridge Street, hence why they cannot be removed as part of this scheme.

The plot fronts Dunraven Street which is occupied by commercial properties of varying design, scale and use. A small block of commercial units that would remain following development adjoins the application building to its northern side. The plot is bound by a public carpark to the south beyond which is Bridge Street, occupied by a mix of commercial and residential properties. Lower Dunraven Street is located directly to the north of the site which is occupied by several commercial units. The bank of the

Rhondda Fawr River is located directly to the rear of the site (east) which falls steeply away from the plot down to the river below. The riverbank is covered with thick mature trees and vegetation (to be retained) and forms a section of the Taff and Rhondda Rivers Site of Important Nature Conservation (SINC).

Pedestrian access can be gained from the front of the building, however, vehicular access to the rear of the building and carpark can only be gained from either Bridge Street (south) or Lower Dunraven Street (north).

PLANNING HISTORY

The site is subject to a long planning history associated with the previous retail store. However, none are considered relevant to this application given the building would be largely demolished and the site completely redeveloped.

PUBLICITY

Given the application involves new development where the created floor space would be 1000m² or more, the applicant has undertaken a Pre-Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 144 properties being individually notified of the proposal by letter, 8 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

No letters of objection or representation have been received from members of the public.

CONSULTATION

Highways and Transportation – No objection subject to conditions in respect of access, turning and parking construction details; and a Construction Method Statement.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting; restrictions to hours of operation and deliveries; and in respect of extraction equipment. It is also noted that no information has been provided in respect of soundproofing to protect the amenities of future residents and that this information should be provided prior to determination.

Flood Risk Management – No objection or conditions suggested. The applicant has provided adequate information to clarify that an appropriate site drainage scheme (SuDS) can be implemented on site.

Countryside, Landscape and Ecology – No objection subject to a condition requiring the mitigation and enhancement measures set out in the Preliminary Ecological Assessment & Bat Survey report being implemented on site.

Housing Strategy – No objection. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

Waste Services – No objection or conditions suggested. Appropriate waste facilities would be implemented at the site.

Structural Engineer – No objection subject to a condition requiring a survey of the Council owned retaining walls at the southern end of the site being undertaken prior to any development works. The walls support the adjacent public car park at Bridge Street and a survey is required to record their current state and to ensure no damage would occur as a result of the development.

Natural Resources Wales – No objection subject to a condition requiring the mitigation and enhancement measures set out in the Preliminary Ecological Assessment & Bat Survey report being implemented on site.

The Coal Authority – No objection subject to conditions requiring remedial measures being undertaken to ensure the site is safe for development.

Dwr Cymru Welsh Water – No objection subject to conditions restricting surface water from entering the public sewerage system and detailing an appropriate potable water scheme.

South Wales Police – No objection or conditions suggested. Standard advice offered in respect of Secured by Design criteria.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of water supplies and access for firefighting appliances.

Western Power Distribution – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Tonypandy and also the town's allocated retail centre.

Policy CS1 – sets out criteria for development in the Northern Strategy Area, promoting residential and commercial development in locations which will support and reinforce the role of Principal Towns and Key Settlements.

Policy CS4 – sets out the housing requirement for the plan period (14385 dwellings) and how this will be achieved.

Policy CS5 – sets out the affordable housing requirement for the plan period (1770 dwellings) and how this will be achieved.

Policy AW1 – concerns the supply of new housing, stipulating 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 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, 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 standard of design and to make a positive contribution to placemaking, 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 AW11 – provides criteria for alternative uses at existing employment/retail sites.

Policy NSA2 – sets out criteria for new development in Key Settlements.

Policy NSA10 – requires housing developments in the Northern Strategy Area to have a net residential density of at least 30 dwellings per hectare, subject to certain exceptions.

Policy NSA11 – seeks a provision of 10% affordable housing on sites of least 10 units or more within the Northern Strategy Area.

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

Policy NSA18 – sets out the retail hierarchy for the Northern Strategy Area, identifying Tonypandy as a Key Settlement.

Policy NSA19 – sets out criteria for retail development within Principle Towns and Key Settlements, identifying that within the defined retail centre of Tonypandy, development proposals for Class A1, A2, A3 and other uses that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy, will be permitted.

Supplementary Planning Guidance

- Design and Placemaking
- Design in Town Centres
- Affordable Housing

- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking Requirements
- Shopfront Design
- 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 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), WGs current position on planning policy at regional and national level, although it should form the basis of all decisions.

It is considered 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:

- Policy 1 – Where Wales will Grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing
- PPW Technical Advice Note 4: Retail and Commercial Development
- 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
- PPW Technical Advice Note 23: Economic Development
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- 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.

Principle of Proposed Development

The application proposes the redevelopment of the site to provide 3 commercial units fronting Dunraven Street and a block of flats to the rear accommodating 51 units, 7 of which would be occupied as a 'step-down' type facility.

The site is located within the settlement boundary and the retail centre of Tonypandy where both commercial and residential development are supported by Policies CS1, AW1, NSA2 and NSA12.

It is also located in a highly sustainable location, in close proximity of the key services and facilities within the retail centre of the town and a range of sustainable transport modes. And the development would not conflict with surrounding uses. The scheme therefore complies with Policy AW2.

It is also noted that PPW recognises that retail and commercial centres are the most sustainable places to live and that while A1 retail uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy, and a healthy mix of commercial and residential use should be encouraged.

Policy NSA18 requires retail use of ground floor premises to prevent the fragmentation of the retail offer and to enhance vitality and viability. This is especially important in Key Settlements like Tonypandy which have seen a decline in commercial uses in recent years. Dunraven Street forms the main high street of the town's retail centre and provides the primary retail frontage. With the scheme proposing 3 new commercial units fronting Dunraven Street and the housing element located to the rear, the development would not impact on or fragment the shopping frontage.

Moreover, the existing building has been shut for over 10 years contributing to the decline of the high street. Therefore, the proposal will improve the public realm in this prominent gateway location by removing a tired, unsightly and vacant premises, and by bringing the site back into beneficial use, in compliance with Policies AW11 and NSA19.

Turning to the residential element of the scheme, it has been confirmed that the building has been designed in dialogue with the Council's Housing Strategy team to help address the need for additional affordable housing within Tonypandy, and that the Housing Strategy team fully support this proposal. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23 and

would contribute quite significantly to the affordable housing requirements of the LPD (Policy CS5).

Additionally, with the scheme proposing 100% affordable units and a net residential density of approximately 98 dwellings per hectare, the proposal would comply with Policies NSA10 and NSA11.

It is subsequently considered the development will act as a catalyst for wider regeneration of the town, bringing people back to the high street, having a positive impact from both a social and economic perspective, whilst also enhancing the centre's position in the retail hierarchy.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Visual Impact

The redevelopment of the site will inevitably result in a significant alteration to its current character and appearance. However, it is not considered there would be a detrimental visual impact and the proposed works would actually improve the site's current visual amenity.

The current site layout sees the existing commercial building located at Dunraven Street with a large carpark to the rear. The proposal would result in the existing commercial unit replaced with 3 new commercial units and a five-storey residential block to the rear, a considerable alteration to the current visual appearance of the site.

Nevertheless, the design of the existing building appears somewhat dated and in need of modernising. It is considered its replacement with new commercial units comprising a mix of modern materials and construction methods will be far more aesthetically interesting. The new commercial buildings would form attractive and high-quality developments that will significantly enhance the visual amenities of the site and surrounding street scene, resulting in a welcomed focal point within the community and a great improvement at this gateway to the town.

It is accepted the residential building will be considerably larger than any other buildings in the vicinity, but as it would be sited at a lower level than the main street it would be largely screened from Dunraven Street and properties beyond. Further, with the mature trees and vegetation at the adjacent riverbank remaining following development, it would also be largely screened from views across the valley.

Additionally, the design and materials proposed will result in an attractive and interesting building and it will sit within a generous plot that will retain an appropriate amount of amenity space around, helping to ensure it does not appear cramped within the site; and appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of the locality.

Subsequently, whilst it is accepted the proposal will form a visible and prominent development in the locality, it is considered the new buildings would greatly improve the character and appearance of this currently dated and tired, and the general visual

amenity of Dunraven Street in this location which forms the gateway to the town. The application is therefore considered acceptable in respect of its potential visual impact.

Residential Amenity

Located at the heart of the town's retail centre the application site is primarily surrounded by commercial properties. Therefore, it is not considered a development of the nature proposed would result in any detrimental impact to the amenities of most neighbours.

However, as set out above, several properties along the adjacent Bridge Street are residential in nature and would inevitably experience some change to the amenity standards they currently enjoy. However, it is not considered any potential impact would be significant enough to warrant refusal of the application.

The proposed commercial units would be of a similar siting, scale and use to that which they will replace. As such, it is not considered they will result in a significant increase to any impacts the neighbouring properties would have experienced as a result of the previous use. It is noted however that 1 of the new units would be occupied under Class A3, the unit closest to Bridge Street, and this could result in some noise/disturbance into the evenings if operated as a bistro as envisaged by the applicant. But it is considered the condition suggested by the Public Health and Protection Division to restrict the opening hours between which the commercial units can be open to the public would ensure any potential impact is minimised.

There is some concern in respect of the increase in traffic that will occur along Bridge Street and associated noise/disturbance, as well as the noise/disturbance they will experience as a result of the introduction of 51 residential units nearby, but it is considered occupiers of properties at Bridge Street would have become accustomed to the general levels of noise/disturbance that would arise as result of their town centre location. Therefore, when weighing the benefits of the scheme against any potential impact, it is not considered any impact would be significant enough to warrant refusal of the application.

Whilst the outlook from the adjacent properties at Bridge Street would undoubtedly alter, facing a five-story building instead of a carpark, it is considered sufficient separation distances would remain, approximately 49m at its closet point, to ensure any change of outlook would not to be a degree that would warrant refusal of the application. Additionally, the separation distances would ensure no physical detriment would occur to these properties such as direct overlooking, overbearing or overshadowing impacts.

It is also noted that no objections have been raised following the public consultation exercise.

In terms of future residents, the Council's SPG for the Development of Flats is a key consideration and this relates particularly to the quality of life and amenity standards of future residents.

There is some concern that habitable rooms within the western elevation of the residential building will front the rear of the commercial properties at Dunraven Street, especially at the lower levels, but it is generally considered there will be sufficient distance to ensure that a reasonable outlook and appropriate levels of natural light would be provided, approximately 25m. In all other respects the scheme is considered to comply with the SPG. Appropriate amenity and bin storage areas would be provided, as well as and safe and secure access.

It is also noted that as the scheme would be developed by a social landlord and would entail 100% affordable units, each unit has been designed to meet the relevant Welsh Government 'Welsh Development Quality Requirements' (WDQR), ensuring they each provide appropriate living accommodation.

The Public Health and Protection team noted that no soundproofing measures have been submitted to ensure future occupiers are protected and have requested details be submitted prior to determination of the application. Whilst these comments are acknowledged, it is considered that appropriate mitigation measures could easily be implemented within the building and that the exact details are not required prior to determination, but could instead be controlled via condition, as has been the case with many similar housing schemes in the past. As such, it is not considered these details are necessary prior to determination and a suitably worded condition is suggested below instead.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, while it is accepted a degree of impact would inevitably occur, especially to properties at Bridge Street, the application is considered to be acceptable.

Highway Safety

The Highways and Transportation Section raised no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusions they made the following comments:

Access

Access to the proposed residential units and associated off-street parking areas would be achieved via the publicly maintained highway known as Bridge Street, that would be extended into the site in the form of an over-sized turning head. The plans indicate that the off-street parking spaces numbered 32 – 41 would be served directly off the turning head, with the remaining spaces (1 – 31 and 42 – 52) served via a private access road off the new turning head.

The means of access to the proposed residential units and off-street parking spaces gives no fundamental cause for concern. However, the extension of Bridge Street must be designed and constructed in accordance with the relevant Council specifications and be offered for adoption. As such a condition to this effect is suggested.

The plans indicate that primary access to the 3 commercial units will be via Dunraven Street, but that secondary access to Units 1 and 2 is also available from the rear via

the existing trolley ramp and proposed bridge, which will each serve as a fire escape; and secondary access to Unit 3 would be available at the south-eastern side of the building that connects to Dunraven Street, which would serve as a fire escape.

The means of access to the proposed commercial units will result in no undue adverse impact on the publicly maintained highway and is considered acceptable.

Off-street parking provision

The apartment block will have a total of 52 residential units, comprising of 40 one-bedroom apartments and 12 two-bedroom apartments. Therefore, with the site located in Parking Zone 2, the development would have maximum off-street parking requirement of 115 spaces, 104 for residents and 11 for visitors, with only 52 provided.

The Transport Statement advises that the 52 spaces will be for the exclusive use of residents and as such there is provision of 1 space per unit. This level of parking provision is, on balance, considered acceptable when considering the sustainable town centre location of the site with public transport links and local amenities available within short walking distance; and given the fact there are several public car parks available within short walking distance that can be utilised for short term visitor parking.

No off-street parking provision is proposed for the 3 commercial units, however, the existing marked bays for disabled parking, loading and taxis along the site frontage at Dunraven Street would be retained. It is considered that the relatively low maximum parking requirement for both a convenience store and office can be accommodated within the nearby public car parks. In addition, the peak times for the bistro would partly fall outside of the peak times of typical high street uses where public car parks would have spare capacity. Furthermore, the proposal is located within a town centre location within a short walking distance of sustainable modes of transport and there are extensive restrictions in place on the publicly maintained highway in the vicinity of the site that prevent on-street parking where it is unsafe or inconsiderate to do so. As such, whilst there is some concern in this respect, on balance, the lack off-street parking associated with the commercial use is considered acceptable in this instance.

It is also noted that appropriate secure long stay cycle parking would be provided for both elements of the scheme.

Trip generation

The Transport Statement includes an assessment of the proposed use against the former Co-operative store. The assessment demonstrates that the trip generation for the proposed development is significantly less than that of the permitted use of the former retail store. As such, the proposal gives no undue cause for concern regarding trip generation.

Highway safety summary

The proposed means of access to the residential element of the scheme is considered acceptable subject to detailed design and implementation on site, which can be controlled by way of condition. The access proposal also includes an adequate turning

area to ensure vehicles can enter and exit the site in forward gear. The commercial units will be served from existing marked loading bays at Dunraven Street, which is acceptable. As such, the proposal gives no fundamental cause for concern regarding access.

Whilst there is some concern with the lack off-street parking provision, the level proposed for both elements of the scheme is, on balance, considered acceptable when considering the town centre location of the site and the availability of public car parking facilities and accessibility to public transport.

Finally, the proposed development would result in reduced trip generation from that associated with the previous Co-operative store use. As such, there is no undue cause for concern regarding the ability of the publicly maintained highway network to accommodate the proposed development in terms of capacity.

The scheme is therefore considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site.

Ecology

Natural Resources Wales (NRW) initially raised concerns with the application, commenting that the ecology information submitted was insufficient to ensure the protection of bats and otters, European Protected Species.

NRW noted that a day roost of 7 common pipistrelle bats has been found in the existing building, and that no details in respect of compensatory bat roost provision, or protection of the new roosts, foraging and commuting corridors from artificial light spill had been provided.

NRW also commented that the application site is located adjacent to the riparian corridor of the Rhondda Fawr River, and whilst no records have been cited in this area, otters are known to habituate the river and wider catchment and no details had been submitted setting out how light spill to the riparian area and river itself would be overcome.

In light of this issue the applicant submitted an updated version of the Preliminary Ecological Assessment and Bat Survey report on 28/01/22, which included a detailed external lighting plan and several mitigation measures.

Reconsultation was undertaken with NRW who confirmed that the updated information was acceptable and subsequently they have no objection to the scheme, providing the mitigation measures set out in the report, including the proposed lighting scheme, are secured by way of condition.

The Council's Ecologist has also considered the updated information noting that the report is a thorough and fitting assessment and the ecology issues have been adequately considered and appropriate mitigation is proposed.

It is therefore considered the proposed development would not impact upon the management of either species and the scheme is acceptable in this regard, subject to the conditions set out below.

Historic Mining Activity

The Coal Authority (CA) commented that their records indicate the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop, and that 2 recorded mine entries (shafts) are located within the site; a further 2 (shaft and adit) are located within 20m of the site; and that 1 surface hazard has been reported within 50m of the site. However, the Coal Mining Risk Assessment (CMRA) sets out adequate mitigation measures to afford ground stability and public safety, and therefore no objections are raised. It is however suggested conditions be attached to any consent requiring the mitigation measures set out in the CMRA being undertaken prior to the commencement of the wider development.

Drainage and Flood Risk

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary SuDS application prior to any development commencing on site.

Public Health

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

National Sustainable Placemaking Outcomes

Chapter 2 of PPW 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 to ensure this is the case.

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 above, a brief outline of how the proposed

development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development density is appropriate for this town centre location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs and employment at the new facilities.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Much of the future energy consumption would be from renewable sources.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location, Tonypany town centre, with many transport links and services/facilities located within walking distance.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

Section 106 Contributions / Planning Obligations

Section 106 (S106) of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6th April 2010, states 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 Local Development Plan and the Council's SPG: Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

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

- Affordable Housing – the proposed development, on behalf of the Registered Social Landlord Rhondda Housing Association, would provide 100% affordable housing for social rent. Therefore, a S106 agreement will be required to ensure that the dwellings are established and maintained as affordable units in perpetuity, for the continued purpose of meeting identified local housing needs.

It is considered the above requirement meets each of the tests and is compliant with the relevant legislation. The applicant has agreed to these terms.

Members will be aware that an Employment Skills Training Plan (ESTP) should also be agreed through a S106 agreement for developments of 25 residential units or more, and that a ESTP has not been included above. This is because the applicant has already produced an ESTP and submitted it in support of the application, and the plan meets each of the relevant criteria and is considered acceptable. It is therefore considered unnecessary and unreasonable to include this requirement within the S106 agreement in this instance and instead a condition requiring the developer to adhere to the plan would suffice.

Community Infrastructure Levy 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). But as the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable for residential development, no CIL would be payable for the residential element the scheme. However, as the application also constitutes Class A1 retail development creating over 100m² of floorspace, where there is a liability of £100/m², the commercial element of the scheme would incur a charge.

The CIL (including indexation) for this development is expected to be £41,736.40.

Conclusion

The application proposes the redevelopment of a tired and dated site within the town centre. The commercial element of the scheme would support and reinforce the role of the Key Settlement, improving the vitality and viability of the retail centre; and the residential element would result in high quality affordable accommodation and a beneficial 'step-down' type facility that will each provide diversity in the town's housing market and residents with welcomed housing options.

The development will therefore act as a catalyst for wider regeneration of the town, bringing people back to the high street and having a positive impact from both a social and economic perspective.

Further, it is considered the resulting buildings would significantly improve the public realm in this prominent gateway location and would not result in a detrimental impact to the amenities of neighbouring residents or to highway safety in the locality.

It is therefore considered the application complies with the relevant local and national planning policies and is recommended for approval.

RECOMMENDATION: Approve, subject to conditions below and Section 106 Agreement above.

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 plans ref:

- Site Location Plan – RHDS-HMA-ZZ-XX-DR-A-00090 Rev. P2
- Existing Site Plan – RHDS-HMA-ZZ-XX-DR-A-00091 Rev. P2
- Proposed Site Plan – RHDS-HMA-ZZ-XX-DR-A-00092 Rev. P2
- Existing – Basement Plan – RHDS-HMA-ZZ-01-DR-A-00001 Rev. P2
- Existing – Ground Floor Plan – RHDS-HMA-ZZ-XX-DR-A-00002 Rev. P2
- Existing – First Floor Plan – RHDS-HMA-ZZ-XX-DR-A-00003 Rev. P2
- Existing Roof Plan – RHDS-HMA-ZZ-XX-DR-A-00004 Rev. P2
- Proposed Ground Floor – RHDS-HMA-ZZ-XX-DR-A-00005 Rev. P4
- Proposed First Floor – RHDS-HMA-ZZ-XX-DR-A-00006 Rev. P2
- Proposed Second Floor – RHDS-HMA-ZZ-XX-DR-A-00007 Rev. P2
- Proposed Third Floor – RHDS-HMA-ZZ-XX-DR-A-00008 Rev. P2
- Proposed Fourth Floor – RHDS-HMA-ZZ-XX-DR-A-00009 Rev. P2
- Proposed Roof Plan – RHDS-HMA-ZZ-XX-DR-A-00010 Rev. P2
- Existing Site Elevations – RHDS-HMA-ZZ-XX-DR-A-00200
- Proposed Site Elevations – RHDS-HMA-ZZ-XX-DR-A-00201
- Proposed Site Elevations – RHDS-HMA-ZZ-XX-DR-A-00202
- Existing Sections – Retail Units – RHDS-HMA-ZZ-XX-DR-A-00300
- Proposed Section – Retail Units – RHDS-HMA-ZZ-XX-DR-A-00301
- Demolition Plans – RHDS-HMA-ZZ-XX-DR-A-DD001
- Demolition Elevations – RHDS-HMA-ZZ-XX-DR-A-DD002
- Landscape Strategy – 2503-LLA-21-00-DR-L-0900 Rev. P01
- Proposed External Lighting Plan – 44586/PJ/B

and documents received by the Local Planning Authority on 17/11/21, 23/11/21 25/11/21, 01/12/21, 03/12/21, 15/12/21 and 28/01/21 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. The development hereby approved shall be carried out in accordance with the recommendations and mitigation/enhancement measures set out in:

- Coal Mining Risk Assessment (TEC, December 2021)
- Drainage Strategy (Cambria)
- Preliminary Ecological Assessment & Bat Survey (Ecological Services Ltd, January 2022)
- Acoustic Report (Clarke Saunders, October 2021)
- Transport Statement (Acstro, October 2021)
- Employment Skills Training Plan (Community Investment Strategy) (Rhondda Housing Association)

Unless otherwise agreed in writing by the Local Planning Authority or 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.

4. No development shall commence on site until a 'prior to demolition photo condition survey' of the Council owned retaining walls at Bridge Street / Dunraven Street has been undertaken and submitted to and approved in writing by the Local Planning Authority. The survey / report shall include the extent of the existing retaining walls supporting the Bridge Street carpark / Council owned land to be demolished / retained and clarify how the carpark / land is to be retained where the building is demolished.

A further condition survey of the same walls shall be undertaken following the completion of demolition works, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any further building works on site.

If new retaining walls are required to support Council owned land, full details and calculations are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any further building works on site.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development works shall commence on site, other than demolition and enabling works, until full details of the proposed soundproofing mitigation measures to be introduced within the residential units hereby approved 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 amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development, other than demolition and enabling works, shall commence on site until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the beneficial occupation of any unit hereby approved (commercial or residential), a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence on site, other than demolition and enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the submitted plans, no development shall commence on site, other than demolition and enabling works, until full engineering design and detail of the proposed means of access to the residential element of the scheme, together with the turning area, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of the residential element of the scheme.

Reason: To ensure the adequacy of the proposed means of access, in the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

11. Off-street vehicular parking shall be provided in accordance with submitted drawing ref. "RHDS-HMA-ZZ-XX-DR-A-00005 Rev. P4" and retained for vehicular parking only thereafter.

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

12. Secure cycle parking shall be provided in accordance with the Council's Supplementary Planning Guidance Access, Circulation and Parking Requirements (March 2011).

Reason: To encourage sustainable modes of transport and reduce reliance on private motor vehicles in accordance with Policy AW5 of the Rhondda Cynon Taff Local Development Plan.

13. No development shall commence on site, including any works of demolition and site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for, but not be limited to:

- 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,
- 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 Taff Local Development Plan.

14. No surface water and/or land drainage shall be connected directly or indirectly with the public sewerage network.

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

15. No development shall commence on site, other than demolition and enabling works, until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any unit hereby approved. Thereafter, the agreed scheme shall be constructed in accordance with the approved details and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. The commercial units hereby approved shall not be open to the public other than between the hours of 07:00am to 23:00pm each day.

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

17. Should Units 1 or 3 hereby approved be occupied as food outlets (Class A1 or Class A3) and require associated extraction equipment, a scheme of odour/effluvia/fume control and details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed on site prior to the beneficial operation of the business, and shall thereafter remain in place in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of surrounding properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.