

**PLANNING & DEVELOPMENT COMMITTEE**

**8 SEPTEMBER 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1674/10 (KL)  
**APPLICANT:** Newydd Housing Association  
**DEVELOPMENT:** Proposed development of 12 no.affordable flats, new access point, landscaping and associated works (ground floor flats will meet Lifetime Homes Standards and are designed to be accessible for all individuals and to be more adaptable to long-term needs). (Amended plans received 14/01/2022)(Reptile Survey, Amenity and Biodiversity Plan and Landscaping Plan rec. 27/05/22).  
**LOCATION:** LAND AT EDWARD STREET, ABERCYNON, CF45 4PY  
**DATE REGISTERED:** 14/01/2022  
**ELECTORAL DIVISION:** Abercynon

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**RECOMMENDATION:** Approve, subject to S106 Agreement

**REASONS:** The application site is located within the defined settlement boundary and within a highly sustainable location. The principle of developing the site for residential purposes is therefore considered to be acceptable. Furthermore, the proposed development would provide 12no. affordable housing units which would help to address the need for affordable housing within Abercynon.

The site is also considered to be capable of accommodating the proposed development of 12no. flats, as proposed, without resulting in a significant impact upon the character and appearance of the surrounding area or upon the amenity and privacy of surrounding residential properties.

Whilst concern has been raised in relation to the number of off-street car parking spaces proposed, the site is situated within a highly sustainable location with both bus and train services being located within reasonable walking distance of the site. The proposal also includes sufficient cycle storage facilities which would promote more sustainable modes of transport, in accordance with Planning Policy Wales Ed. 11.

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## **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

## **APPLICATION DETAILS**

Full Planning permission is sought for the construction and provision of 12 no. self-contained flats on a vacant parcel of land at Edwards Street, Abercynon.

The proposed flats would be arranged across two detached buildings which would be sited towards the south-eastern part of the plot. They would each be set back and up from the adjacent highway at Edwards Street by approximately 3.7 metres and 1.5m respectively, with an access ramp and steps providing access to the flats from the pavement.

The buildings would be identical in terms of their scale and design, each measuring 20 metres in width by 10 metres in depth with pitched roof designs measuring 9.3 metres in height to the ridge and 5.8 metres in height to the eaves. The buildings would be finished with a mixture of stone, buff coloured render and buff coloured brickwork with stone feature details (buff coloured reconstituted stone) with blue/grey roof tiles and dark grey windows, gutters and down pipes and grey/green composite glazed doors in white upvc frames.

Each building would contain 6 flats with 3 at ground floor and 3 at first floor. Each flat would benefit from their own private entrances to the front elevation with internal accommodation consisting of an open-plan living room/kitchen, a bedroom and shower room.

A total of 6 no. off street car parking spaces would be provided in a car parking area between the two buildings with access being off Edward Street to the south-east. A secure cycle storage area would also be available at the rear of each building.

Two separate communal garden areas would be situated at the rear of each building with access being from gates off the parking area and to the size of each building. A bin storage area would be located off the car parking area, at the rear of one of the most northern-eastern building.

The most north-western part of the site beyond the communal gardens would form a landscaped area with a number of trees.

In addition to the standard application forms and plans, the application is accompanied by the following supporting information:

- Covering Letter,

- Preliminary Ecological Assessment,
- Reptile Survey Report,
- Geo-Environmental and Geo-technical Report,
- Pre and Post Impermeable Areas Plan,
- Typical Drainage Details,
- Proposed SuDs Details
- Preliminary Off-Site Drainage Details,
- Preliminary Drainage Site Layout,
- Site Surveys,
- Surface Water Manhole Details,
- Foul Water Manhole Plan,
- Parking Justification Statement.

## **SITE APPRAISAL**

The application site relates to a currently vacant parcel of land which is situated between the residential streets of Edward Street (south-east), Herbert Street (south-west) and Mountain Ash Road (north-west) in the village of Abercynon. The site is rectangular in shape and measures approximately 0.2 hectares in area. Due to significant changes in ground level in the immediate area, the site rises gradually from front to back (south-east to north-west) with a large retaining wall being situated along both the north-western and north-eastern boundaries. As a result of this, Mountain Ash Road is set at a significantly higher ground level to Edward Street with Herbert Street rising with the development plot.

It is understood that the site was last occupied by a workingmen's hall and institute; however, this was demolished a number of years ago and the site is currently overgrown with various scrub.

The surrounding area is predominantly residential in character however, Margaret Street, which forms the main shopping street for Abercynon (designated retail zone), is located off Edward Street to the south-east of the site. The nearest neighbouring residential properties are located immediately to the north-east (Sunny Bank, Edward Street), approximately 14m to the north-west (nos. 26-35 Mountain Ash Road) and approximately 10m to the south-east (no. 11 Edward Street and 57 & 58 Margaret Street) of the site. A vacant parcel of land lies to the south-west on the opposite side of Herbert Street.

Existing properties in the area predominantly comprise of traditional two-storey terraced properties, although there are a number of larger, standalone buildings located throughout the locality.

## **PLANNING HISTORY**

The following applications are on record for this site:

13/0647	Land at Edward Street, Abercynon	Variation of condition 1 to extend the planning approval 07/0543 beyond September 2014 (residential development for 10 dwellings)	No decision
07/0543	Land at Edward Street, Abercynon	Residential development comprising of 10 no. houses	Granted 16/09/08
99/4316	Land at Edward Street, Abercynon	Residential development of 12 dwelling houses and 2 flats (outline)	Granted 17/09/99
94/0195	Land at Edward Street, Abercynon	22 no. maisonettes	Granted 22/12/94
81/0290	Abercynon Workingmen's Club and Institute, Edward Street, Abercynon	Hoarding	Granted 13/05/81
77/0334	Abercynon Workingmen's Club and Institute, Edward Street, Abercynon	Illuminated sign	Granted 20/07/77
77/0118	Abercynon Workingmen's Club and Institute, Edward Street, Abercynon	Use of first floor as bingo hall	Granted 19/10/77

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification to a number of properties surrounding the site and through the erection of 2 no. site notices adjacent to the site on Edward Street and Mountain Ash Road.

A total of 6 letters have been received in relation to the proposal. Four of these letters raise objections to the proposal whilst two indicate that they are not against the principle of the development but would like to raise a number of concerns. A summary of these objections/concerns is provided below:

### Highways

- Residents already struggle with parking due to no permit parking for residents.
- The street is incredibly busy with vehicles of both residents and non-residents who park in residential streets to visit the local shops, takeaways and clubs.

- With only 6 parking spaces available for the development, parking issues would continue.
- Inadequate parking for the development coupled with parking restrictions on Edward Street is likely to exacerbate existing parking problems on Mountain Ash Road, Margaret Street and Herbert Street.
- Residents permit parking and additional parking spaces at the new development are both required.
- 12 flats could potentially mean 12 cars, or possibly a few more. Six spaces is not adequate.

### Residential Amenity

- It will be important, should permission be granted, to ensure that a condition is imposed to ensure that the hours of construction respect nearby residential properties.
- The development would affect the view from properties in Mountain Ash Road.
- The development will cause unnecessary stress and upset, not only from work taking place in front of existing properties but also from blocking the view.
- No objection would be raised as long as the height of the building does not obscure the view.

### Trees and Planting

- Concern is raised with regards to planting trees on the highest part of the site, adjacent to Mountain Ash Road, where there is currently a retaining wall.
- It is important that the correct species of trees are selected and maintained by the applicant as failure to do so could not only affect pedestrian safety for those walking on the footpath on Mountain Ash Road but also, could compromise the structural stability of the retaining wall, which would pose a serious risk to public safety.
- A condition will be required to ensure that suitable species are used and that an ongoing tree maintenance plan is agreed.

### Other

- The flats are not going to be in the best interests of Abercynon as the amount of crime and anti-social behaviour is at its worst.
- Abercynon cannot afford to have another influx of residents who bring crime to the community.
- The rehabilitation centre at Martin's Lane was forced upon residents after being assured that this would not happen.
- Since the opening of the centre, Abercynon has experienced an increase in crime, from drugs and shoplifting to shopkeepers being robbed at knife point.
- Walking through the streets of Abercynon and near to the train station is a harrowing experience, being confronted by drunken or drugged up residents from the centre asking for money or cigarettes.

- It is questioned what 12 flats would bring to the area.
- It is suggested that social flats are not filled with local people.
- Trivallis have already purchased a number of other properties on Edward Street and so existing residents will be wedged between council housing.
- The value of existing properties will decrease and/or there may be issues with selling properties.
- There is already a large block of flats for sale in Station Terrace. Making use of that site would make more sense rather than adding more to the community.
- New build houses with the government backed schemes to help people get onto the ladder would be more beneficial to the local people.
- The site could be used for a parking site or something for the young people of the community.
- The manholes indicated in the plans are incorrect in that they show one in the rear garden of Sunny Bank. There has never been one in this location.
- It is assumed that the new manhole will be accessible by Welsh Water.
- A number of requests have already been made for resident parking in Edward Street however, these requests have been ignored.

## **CONSULTATION**

The following consultation responses have been received:

**Countryside, Ecology, Landscape:** No objection, condition recommended.

**Flood Risk Management:** No objection, condition recommended.

**Highways and Transportation:** No objection, conditions recommended.

**Housing Strategy:** No objection.

**Public Health:** No objection, condition recommended.

**South Wales Police:** No objection, a number of recommendations are made in relation to Secured by Design Standards.

**Welsh Water:** No objection, condition recommended.

**Western Power Distribution:** Advises that a separate application will need to be made to WPD should a new connection or service alteration is required.

## **POLICY CONTEXT**

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

The application site is located inside the defined settlement boundary for Abercynon. It is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

**Policy CS1 (Northern Strategy Area):** sets out the criteria for development in the Northern Strategy Area.

**Policy CS5 (Affordable Housing):** outlines the extent of the affordable housing requirement that needs to be delivered through the plan period.

**Policy AW1 (Supply of New Housing):** sets out the criteria for new housing proposals.

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

**Policy AW4 (Community Infrastructure & Planning Obligations):** details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy (CIL).

**Policy AW5 (New Development):** sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6 (Design and Placemaking):** requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8 (Protection and Enhancement of the Natural Environment):** sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10 (Environmental Protection and Public Health):** does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

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

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

**Policy NSA12 (Housing Development Within and Adjacent to Settlement Boundaries):** identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries in the Northern Strategy Area.

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 4<sup>th</sup> 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 4<sup>th</sup> January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

### **Supplementary Planning Guidance**

Design and Placemaking  
A Design Guide for Householders  
Affordable Housing  
Nature Conservation  
Planning Obligations  
Access Circulation and Parking  
Development of Flats

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> 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.

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: *(or not in the case of refusals)*



- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 7 - Delivering Affordable Homes – SDP/LDP/allocations and innovative approaches.

#### SE Wales Policies

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;  
 PPW Technical Advice Note 5: Nature Conservation and Planning;  
 PPW Technical Advice Note 12: Design;  
 PPW Technical Advice Note 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:**

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

Policy AW1 supports residential development on unallocated land within the settlement boundary, while Policy AW2 seeks to ensure that development is situated within defined settlement boundaries and sustainable locations. In the case of this application, the site is situated inside of the defined settlement limits of the village and is unallocated. Furthermore, it is located within an established residential area and in close proximity to the designated retail zone of Abercynon with access to a number of public transport hubs, including several bus stops and Abercynon railway station. As such, the site is located within a sustainable location and therefore complies with the primary objectives of Policies AW1 and AW2 of the LDP. Additionally, the proposed development would make use of an under-used and previously developed Brownfield site which promoted by Policy CS2.

Policy NSA10 seeks to ensure that proposals for residential development in the Northern Strategy Area have a minimum net residential density of 30 dwellings per hectare. In the case of this application, the proposal to construct 12 no. units on a parcel of land measuring approximately 0.2 hectares would generate a net density of approximately 60 dwellings per hectare. The proposal would therefore comply with Policy NSA10. Furthermore, all 12 of the units proposed would be offered for affordable housing (social rent) and the proposal would inevitably comply with Policy NSA11.

Whilst the site has been vacant for a long period of time, there is a long history of planning permission for residential development and it is therefore considered that the principle of developing the site for residential purposes has already been established.

In light of the above, the principle of the proposed development is considered to be acceptable, subject to compliance with other relevant material considerations, as detailed in the subsequent sections below.

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

The proposed buildings would be appropriately sited at the lowest part of the site with frontages that would address the highway at Edward Street. Whilst the buildings would be set forward of the building line of existing properties to the north-east, there does not appear to be a consistent building line with properties further along Edward Street being set closer to the highway. Given the sloping nature of the application site and the pattern of development in the immediate vicinity, the siting of the two buildings is considered to be both appropriate and acceptable.

The buildings would be identical in terms of their scale and design and it is considered that they represent sympathetic additions to the street scene. Whilst being finished with more modern materials, the buildings would incorporate a design that would give them the appearance of a link of 3 terraced properties, which would help them integrate positively with the surrounding area. The scale of the buildings is considered to be appropriate and in-keeping with surrounding properties and no concern is raised with regards to the palette of finishing materials proposed.

The parking area would be situated between the two buildings where it would have a limited impact upon the visual amenity of the area. Furthermore, the rear part of the site and that between the development and existing properties to the north-east would be landscaped which would soften the appearance of the development as a whole.

The scheme has been amended during the course of the application to take account of the recommendations made by South Wales Police. These amendments primarily relate to the proposed boundary treatments at the site and the provision of more secure cycle storage. The changes include the provision of a 1.8m high close boarded timber fence through the centre of the site, the railing on top of the wall bounding the car park being raised to 1.8m and the cycle and bin stores being completely enclosed

and lockable. The boundary treatments and cycle/bin stores are all considered to be acceptable and in-keeping with the overall development.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the application site and the surrounding area. The application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

### **Impact on residential amenity and privacy**

The application site is located in close proximity to a number of existing residential properties with the nearest being Sunny Bank to the north-east, nos. 26-35 Mountain Ash Road to the north-west and no. 11 Edward Street and 57 & 58 Margaret Street to the south-east.

The proposed buildings would be situated at the lowest part of the site with frontages that would address Edward Street. They would be set forward of the front building line of Sunny Bank to the north-east and at a lower ground level. A separation distance of approximately 7 metres would be maintained between the nearest building and the side elevation of Sunny Bank and this, along with the building being set at a lower ground level, would ensure that any overshadowing would be kept to a minimum with any overshadowing being limited to the late afternoon period only.

Similarly, with the differences in level between the existing and proposed buildings and with the separation distances involved, it is not considered that the proposal would have an adverse overbearing impact upon this existing property.

The nearest building would also not have any windows within the side elevation which would directly overlook Sunny Bank. Whilst there may be some overlooking from the rear windows of the nearest first floor flat, this would be limited to the rear garden only and would not be any greater than what could be achieved from the existing properties on the other side of Sunny Bank.

Properties in Mountain Ash Road to the north-west are situated at a much higher ground level to the site. They are also further elevated above the highway at Mountain Ash Road by enclosed gardens. The proposed buildings would be constructed at the lowest part of the site, resulting in their pitched roofs not rising any higher than the existing retaining wall at the north-western boundary. It is therefore not considered that the development would result in any overbearing or overshadowing impact towards properties that lie immediately opposite the site. Furthermore, whilst the buildings would incorporate windows within their rear elevations that would look towards properties in Mountain Ash Road, it is not considered that the development would result in an adverse level of overlooking. The proposed buildings would be sited at least 35 metres away from the front elevations of the existing properties which, in itself would be sufficient to ensure that overlooking between the existing and proposed buildings would be acceptable. Any potential overlooking would be further reduced by

the differences in ground level and the height of the existing retaining wall to the north-western boundary.

It is noted that a number of objections have been received from local residents which raise concern that the proposed development would impact upon the views currently enjoyed from the fronts of properties in Mountain Ash Road. Whilst the loss of a view is not material planning consideration, the proposed buildings would be set at a much lower level to properties in Mountain Ash Road with their ridge lines not extending above the height of the existing wall to the north-western boundary. It is therefore not considered that the view from existing properties would change significantly.

In terms of the impact of the proposed development upon 3 properties to the south-east of the site (no. 11 Edward Street and nos. 57 & 58 Margaret Street), the buildings would be situated to the north-west of these properties and would therefore not give rise to any overshadowing impact. They would be situated approximately 14.8 metres away from their front/side elevations and at a slightly higher ground level. However, it is not considered that this would result in an unacceptable overbearing impact. Whilst it is noted that the buildings would incorporate windows within the front elevations that would look directly towards these properties, the existing and proposed buildings would be separated by a public road and an entrance ramp. This separation distance is also noted to be greater than that between existing properties in Margaret Street and Herbert Street. Whilst some concern of direct overlooking exists, on balance, given the relationship between existing properties in the vicinity, it is not considered that this would be sufficient to warrant the refusal of the application. Furthermore, no letters of objection have been received which raise concern in this regard.

Consequently, it is not considered that the proposal would result in an adverse impact upon the amenity and privacy of existing residential properties surrounding the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

It is noted that a number of objections have been received from local residents which raise a number of highway safety-related issues. The concerns raised include the level of parking that would be provided within the proposed development and how this would exacerbate existing parking issues in the surrounding area.

The proposal has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. Whilst the concerns of the residents are acknowledged, the Highways and Transportation section have not raised any objection to the proposal in this regard (subject to conditions). The comments received indicate the following:

#### Access

The proposed site is bounded by 3 adopted highways Edward Street, Mountain Ash Road and Herbet Street. All three streets are acceptable for safe vehicular and pedestrian movement.

#### Access via Edward Street

The proposal would provide 12no. residential apartment served off Edward Street with direct access for pedestrians and a single point of access for vehicles. The proposed car park layout affords all vehicles to access/egress the site in forward gear, which is acceptable.

The proposal includes full reconstruction of the footway fronting the site which would include a vehicular crossover. This is considered acceptable; however, a condition is recommended to ensure full design and construction details are submitted to the Local Planning Authority prior to commencement of development.

#### Traffic Regulation Orders

The Council have implemented extensive double yellow lines and one-way systems within the vicinity of the site in order to maintain free flow of traffic and to reduce potential indiscriminate on-street car parking which would further impact on free flow of traffic.

#### Parking

The Council's Supplementary Planning Guidance (SPG): Access, Circulation and Parking indicates that the proposed development of 12no. flats requires up to a maximum of 24 spaces for the flats and 2 spaces for visitors (total requirements of 26 spaces). The proposal includes provision for 6 spaces, which raises cause for concern.

In accordance with the Council's SPG: Access, Circulation & Parking Flats (2015), consideration should be given to the fact that residents of flats often have lower car ownership than other types of households. The following factors will also be considered in relation to the level of car parking provision:

- Proximity and range of public transport services,
- Range of services within easy walking distance, including shops, schools and health care,
- Accessibility of employment opportunities,
- Availability of existing on-street parking, or known pressures relating to on-street parking,
- Impact on highway safety or traffic flow resulting from increased on-street parking,
- Parking demand created by the existing use of the site.
- The general characteristics of the surrounding highway network.

It is noted that social housing requires a lesser car parking requirement than privately owned dwellings and taking into account the sustainable location of the proposed development, there is potential to reduce the off-street car parking, in accordance with the Council's SPG.

The proposal provides for 12 no. social housing, one-bed apartments and in accordance with the above, the maximum requirement would be 12 no. spaces for residents and 2 no. spaces for visitors (total requirement of 14 no. spaces). The proposal of 6 no. spaces therefore leaves a shortfall of up-to 8 no. spaces.

However, the application is supported by a Parking Justification note which indicates that that site is situated within a highly sustainable location in relation to the retail area of Abercynon with shops, schools, GP and dentist surgeries available in the immediate vicinity. Both bus and rail stops are also located within close proximity of the site. Both of these factors will reduce reliance on the private motor vehicle in accordance with Planning Policy Wales 11<sup>th</sup> Edition, which advises councils to place less reliance on the private motor vehicle and to promote walking and cycling as a primary mode of transport.

### Cycle Parking

The proposal includes 12 no. cycle stands which will go some way to mitigate the parking concern raised above and which will promote sustainable modes of transport.

In light of the comments received from the Council's Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

### **Drainage**

The application has been assessed by the Council's Flood Risk Management team in order to determine the potential impact of the proposal upon land drainage. The comments received indicate that the site is not within an area of surface water flood risk (from the Natural Resources Wales Surface Water Flood Risk Maps).

It is noted that the total construction area proposed is greater than 100 square metres and it is therefore advised that under Schedule 3 of the Flood and Water Management Act 2010, the developer will be required to submit a separate application to the

Sustainable Drainage Systems (SuDs) Approval Body (SAB). The developer will also be required to comply with Part H of the building regulations.

The applicant has provided a large amount of information related to the site's drainage; however, the Flood Risk Management team consider that the site's discharge rates pre and post development need to be explicitly outlined to ensure that the development does not adversely impact upon local flood risk. A condition is therefore recommended which would require the applicant to evidence how the development would comply with the requirements of Section 8.3 of Technical Advice Note 15. Whilst the recommendation for this condition is noted, it is not considered necessary or reasonable to impose such a condition, given that the drainage of the site would be covered by a separate Sustainable Drainage application.

The application has also been assessed by Welsh Water who have indicated that the site is crossed by a public sewer, which is located towards the north-eastern boundary of the site. The drawings submitted with the application indicate that there is an intention to abandon this sewer and Welsh Water advise that the developer will need to apply under Section 185 of the Water Industry Act in order for the sewer to be diverted. It is advised that there is currently no Section 185 Agreement in place, nor has an application been submitted to divert the public sewer. As such, the development, as shown in the submitted plans, would be situated within the protection zone of the public sewer.

Welsh Water also note that foul flows would be disposed of via the public sewerage system and no objection is raised in principle to this arrangement. It is commented that surface water is set to be drained via a sustainable drainage system and a culvert and a condition is recommended to ensure that surface water is not connected directly or indirectly with the public sewerage network.

## **Ecology**

The application has been submitted with a Preliminary Ecology Assessment (PEA) and a Reptile Survey (RS) which have both been assessed by the Council's Ecologist.

The comments received from the Council's Ecologist indicate that the PEA is considered to be an appropriate and reasonable assessment, concluding that dormouse presence is highly unlikely, that badger setts and otter holt potential are unlikely and that a tree inspection concluded no bat roost potential. It also concludes that nesting bird and reptile mitigation is needed.

It is also commented that the RS is also considered to be appropriate. It concludes that no reptiles were found; however, it is recommended that a precautionary approach be taken to the clearance of the site as the site has previously been cleared of vegetation, which could have affected the local reptile populations.

The Council's Ecologist has therefore not raised any objection to the proposal; however, a number of conditions are recommended in relation to a nesting bird method statement and details of tree protection, bat sensitive lighting, non-native plant control and biodiversity enhancement measures. A further condition is recommended to ensure that site clearance is carried out in accordance with the recommendations and mitigation measures set out in Section 3 of the RS.

### **Land Contamination**

The application is supported by a Geo-Environmental and Geo-Technical report which has been assessed by the Council's Public Health and Protection team. The report indicates that there is a risk to human health from unacceptable levels of contaminants in the encountered made ground and the Public Health and Protection team therefore consider that it would be necessary to add standard contaminated land conditions should planning permission be granted. It is advised that the desk-study element of the condition can be dispensed and so the condition only needs to include the need for a site investigation to fully and effectively characterise the nature and extent of contamination and its implications, and also a written method statement for the remediation of contamination affecting the site. This condition has been added, as recommended.

### **Other Issues Raised by Objectors**

A number of objectors have suggested that the flats are not in the best interests of Abercynon and reference is made to crime and anti-social behaviour currently experienced in the town, which one objector considers is related to a rehabilitation centre on Martin's Lane. One objector also considers the development would result in another influx of residents who would bring crime to the community. Whilst these concerns are understood, there is no evidence to suggest that affordable housing would exacerbate these issues. Indeed, the tenure of the flats and the type of social housing tenant that may occupy these is not a material planning consideration. Furthermore, it would be the responsibility of the Registered Social Landlord to manage this situation accordingly.

It is also suggested by one objector that the flats would not be occupied by local people; however, this is also not considered to be a material planning consideration.

One letter of objection also considers that the development would result in devaluation of existing surrounding properties and/or that there may be difficulties in selling properties, should residents wish to move in the future. Whilst these concerns are noted, the effect of development on the value of existing neighbouring properties or indeed the housing market, perceived or otherwise, is not a material planning concern. Therefore, no weight is attributed to this matter in forming a recommendation.

One objector indicates that there is already a large block of flats for sale in Station Terrace and that it would make more sense to make use of that site. It is also



suggested that the application site be put to other use (i.e. government backed scheme for new-build housing for first time buyers, parking or a community use). Whilst these suggestions are appreciated, the Council cannot influence where development is proposed or indeed the type of development that comes forward. The application is for 12 no. flats on this particular site and the application must be considered accordingly.

It is noted that one letter of objection indicates that several requests have been made for resident parking in Edward Street and that these requests have been ignored. This issue is a separate matter and cannot be taken into consideration through the planning process.

One objector considers that a condition to restrict hours of construction is necessary, given the close proximity of the site to a number of existing residential dwellings. The site is located in close proximity to a number of residential properties and the condition is considered necessary in this instance.

The same objector considers that a condition will also be necessary to control the species of trees planted at the top part of the site to ensure that the trees would not cause stability issues for the existing retaining wall. This would be considered via a landscaping scheme which has been conditioned accordingly.

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

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

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

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

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

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,

3. fairly and reasonably related in scale and kind to the development.

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

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

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

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

### **Conclusion**

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

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

### **RECOMMENDATION: Approve, subject to S106 Agreement and Conditions**

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

Reason: To comply with 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 and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. P-001: Site Location Plan (Rec. 12/07/22);
- Drawing No. P-110 Rev. C: Proposed Site Plan (Rec. 12/07/22);
- Drawing No. P-111 Rev. F: Proposed External Works Plan (Rec. 12/07/22);
- Drawing No. P-112 Rev. E: Proposed Means of Enclosure Plan (Rec. 12/07/22);
- Drawing No. P-200 Rev. F: Proposed Context Elevations (Rec. 12/07/22);
- Drawing No. P-201 Rev. F: Proposed Context Elevations 2 (Rec. 12/07/22);
- Drawing No. P-202 Rev. D: Proposed Car Park Section (Rec. 12/07/22);
- Drawing No. P-210 Rev. E: Proposed Ground Floor Plan (Rec. 12/07/22);
- Drawing No. P-211 Rev. C: Proposed First Floor & Roof Plans (Rec. 12/07/22);
- Drawing No. P-212 Rev. B: Proposed Typical 1B2P Apartment Plans (Rec. 12/07/22);
- Drawing No. P-220 Rev. C: Proposed Elevations (Rec. 12/07/22);
- Drawing No. P-221: Proposed Sections (Rec. 12/07/22);
- Drawing No. P-300 Rev F: Proposed Perspectives 1 (Rec. 12/07/22);
- Drawing No. P-301 Rev. F: Proposed Perspectives 2 (Rec. 12/07/22);
- Drawing No. 0006 Rev. PO1: Amenity and Diversity (Rec. 08/06/22);
- Drawing No. S.7675-P-50: Pre and Post Impermeable Areas (Rec. 17/12/21);
- Drawing No. S.7675-P-03: Preliminary Site Layout: Drainage (Rec. 17/12/21);
- Drawing No. S. 7675-P-05: Preliminary Off-Site Drainage Section (Rec. 17/12/21);
- Drawing No. S.7675-P-06: Proposed SuDs Details (Rec. 17/12/21);
- Drawing No. S.7675-P-07: Typical Drainage Details Sheet 1 (Rec. 17/12/21);
- Drawing No. S.7675-P-08: Typical Drainage Details Sheet 2 (Rec. 17/12/21);
- Drawing No. S.7675-P-09: Typical Drainage Details Sheet 3 (Rec. 17/12/21);

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

3. Before the development is brought into use the means of access, together with the parking facilities and cycle facilities, shall be laid out in accordance with the submitted plan P-111 REV F and approved by the Local Planning

Authority. The parking spaces shall remain thereafter for the parking of vehicles in association with the development.

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.

4. Notwithstanding the submitted plan, the design and construction details of the proposed re-constructed footway fronting Edward Street and vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the first unit.

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

5. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted 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 take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. The site shall be cleared outside of the nesting bird season (1<sup>st</sup> March to 1<sup>st</sup> August) unless a suitable method statement for clearance at any other time has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: To protect the biodiversity of the site in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications.
2. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

11. The works shall be carried out in accordance with the recommendations set out in Section 3 of the submitted Reptile Survey (by Ecological Services Ltd, dated 16<sup>th</sup> May 2021) unless otherwise agreed in writing by the Local Planning Authority.

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

12. Notwithstanding the submitted details, prior to above ground works, a scheme for ecological mitigation and enhancement, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - a) Provisions for on-site bat sensitive lighting
  - b) A sensitive landscaping and tree planting plan
  - c) Details of non-native plant control
  - d) A nesting bird method statement
  - e) Details for tree protection
  - f) Biodiversity enhancement measures

The works shall be implemented in accordance with the approved details.

Reason: To provide biodiversity enhancement, in accordance with Planning Policy Wales.

