

PLANNING & DEVELOPMENT COMMITTEE

6 OCTOBER 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0510/10 (GH)
APPLICANT: Castell Construction Ltd
DEVELOPMENT: The demolition of the existing warehouse building and the construction of a block of 16 affordable housing apartments with associated parking and amenity areas. (Revised plans incorporating solar panels to main roof received 19/05/22, Ownership Certificate 'C' received 04/08/22, revised elevation drawings, floor plans, site layout, lighting details and additional cross section received 08/08/22. Further revised elevation drawings and site sections received 21/09/22)
LOCATION: W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY
DATE REGISTERED: 08/08/2022
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON:

REASONS: By virtue of its scale, massing and siting, the development would unacceptably dominate the outlook from the habitable rooms within the south-west facing elevation of no.19 Bryn Rhedyn. Its looming presence and proximity would therefore have a significant detrimental impact on the amenity of neighbouring residents, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

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

APPLICATION DETAILS

Full planning consent is sought to demolish the former WR Bishop Fruit and Veg Warehouse, Penrhiwfer Road, Tonyrefail, and construct a two-storey residential scheme of sixteen apartments, in its place.

The proposal would provide 100% affordable housing on behalf of the Registered Social Landlord Newydd Housing Association.

The one-bed/two-person flats would be of an identical size, each with an internal floor space of 47.6m², comprising bedroom, bathroom and open plan living area. All flats would be served by a communal entrance and shared internal circulation space.

Currently, the site is accessed via Penrhiwfer Road. However, it is proposed to close off this entrance and create a new vehicular and pedestrian access from Bryn Rhedyn, which would lead to a car park with seventeen spaces.

The submitted site layout plan indicates that some landscaping and planting would be provided, with large areas to the north-east and south-east of the site seeded with amenity grass. These areas would be enclosed with a 1.8m high close-boarded timber fence.

Lastly, it is noted that a covered secure cycle parking stand and enclosed bin store are proposed to the north-western side elevation.

As the description of development notes, the plans presented to Members are a revised versions of the original submission. This is as a result of a meeting with the Applicant, Agent and Architect and subsequent correspondence with the Applicant's Agent, which aimed to resolve concerns relating primarily to the design of the proposal, access, and amenity. Further detail regarding these matters is set out within the body of the report below.

In addition to the plans, elevation drawings, site survey and section drawings accompanying the application, the following supporting documents have been submitted:

- Bat Survey Report
- Transport Statement
- Design and Access Statement

SITE APPRAISAL

The application site comprises a vacant warehouse building and associated curtilage from which a wholesale business formerly operated. The site is located towards the northern fringe of Tonyrefail and within the area known as Penrhiwfer.

The site is accessed directly from the B4278 to the north-east where a large hardstanding and parking area provides a forecourt to the warehouse building. The

remaining land around the more southerly area of the site comprises grassland, scrub and contains a number of trees, and where the site boundary is demarcated by the adjacent highway Bryn Rhedyn.

Most of the surrounding development is residential in nature and includes traditional Victorian dwellings, as well as later 20th century properties. The exception to this is that there is a Co-op supermarket on the opposite side of Bryn Rhedyn to the south-east.

Other than for the general planning policies listed below, there are no specific constraints or considerations relating to this site. However, records show that the site is intersected by an area designated by The Coal Authority as 'high risk to development'.

PLANNING HISTORY

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

21/5106/10: Pre-app. Decision: 19/11/2021, Raise No Objection

PUBLICITY

The application has been advertised by direct notification to twenty neighbouring properties and notices were displayed on site.

As a result of the initial consultation letters of objection were received from 53 individuals, including the Member of Parliament for Pontypridd, together with a petition containing 936 signatures. The objections and concerns can be summarised as follows:

Planning Policy / Land use / Infrastructure

- The proposed development causes a loss of employment to the area. The current plot is an ideal location for a commercial use which would create more employment opportunities and could easily be retrofitted into a commercial property or community function.
- The Council's SPG states that "development of flats in locations which would result in residents having limited access to services will be resisted", so how would this be acceptable when the infrastructure of Tonyrefail is inadequate.
- Local healthcare and school facilities are oversubscribed and many existing residents are registered in other villages.
- Before the Council gives planning permission to future housing developments, they should secure an improvement in the infrastructure.
- The sewerage system in Bryn Rhedyn is already insufficient for the current number of residents and adding more people to this situation would be catastrophic.

- Lack of need for the development.

Highways

- Insufficient parking space resulting in additional on-street demand which will affect pedestrians and access for deliveries to the Co-op store. Vehicles are parked outside our house on both sides of the road.
- It is wrong to assume that there would be only one car per flat.
- The existing access road is too busy and narrow and more traffic would worsen the current health and safety issues. Visibility to the access and a blind bend are dangerous.
- The entrance to the Co-op is very dangerous, as cars pull out on residents entering the cul-de-sac. More cars will increase the chances of collisions.
- We had a new fence due to a lorry colliding with it and also one of our vehicles was hit by a lorry, so to propose to have a large waste lorry to go up this street is too hazardous.
- The planning application documentation states that there is 'plenty of overspill at Bryn Rhedyn' and this simply isn't true.
- Danger to children playing in the street.
- The Automated Traffic Count (ATC) survey carried out in order to obtain actual road speed data for Bryn Rhedyn was undertaken when we were under covid restrictions and people were told to work from home and travel only when necessary.

Design and appearance

- Most properties in the neighbourhood are detached and the block of 16 flats would not preserve local character.
- The density is inappropriate and its design would not assimilate with existing housing.
- The proposals have insufficient external amenity space for future residents and rely on land outside the Applicant's control to the south of the site.
- There are no parking spaces for the disabled, which is required by Lifetime Homes and DQR standards.
- The flats do not comply with DQR as stated in the documentation and on the drawings. They should be a minimum of 50square metres and they are only 47.6 square metres.
- The proposed dwellings are not accessible to a wheelchair user or similarly disabled person, due to the limited space for manoeuvrability inside each flat.
- The Applicant indicates that a report from Newydd Housing recommends dwellings with a mix of 1 and 2 bedrooms, but due to viability the Applicant wants to squeeze 16 flats there instead.

Residential amenity

- The new homes are not family oriented and would bring hassle to the street with parking and noise.
- The building would overshadow local residents.
- We chose to live in a property that was not overlooked front or back.
- Concerns about impact to health of self and children, including sensitivities to noise, sounds, lights, fear of strangers. (Further details relating to personal health conditions and an explanation of concerns relating to previous employment were provided by the objector, but not replicated in this report).
- We live opposite the block of apartments and believe that our privacy is going to be invaded.
- The proposed bin storage, and the smells emanating therefrom, will rob us and our family of our amenity to use our front lawn for sitting out, in the way we have for the last 30 years.
- The limited view we have past the Bishops Warehouse will be totally removed and our home cast into shade

Ecology, environment and sustainability

- We believe there are bats in the building and wildlife in the green surrounding the building.
- There is lack of evidence on how the proposed plans meet local and national sustainability goals and address the Welsh Government Well-being of Future Generations (Wales) Act.
- The stream runs along the rear of properties and is culverted near the Bishop's site. Following prolonged rain and when in spate, it occasionally breaks its banks into nearby gardens.

Community integration

- The houses in Bryn Rhedyn accommodate families, including multi generations, each with a similar lifestyle that create a harmonised and peaceful environment. The development for 1 bed flats would cause a conflict in character.
- We believe the applicant has premises in Thomastown which has housed some questionable residents in the past, resulting in Police intervention. We certainly do not want this type of premises opposite our houses.
- If the proposal was for adults over 50, I think it would put many peoples mind at ease. This age group are generally less noisy and disruptive.

Community safety

- Residents will not feel safe in their own homes and will need to install security cameras to safeguard them.
- Existing poor water pressure is going to suffer further. There was a fire at a bungalow on the main road and not enough pressure for the fire officers to put it out, so what chance would the fire service have to put 16 apartments out?

- Bryn Rhedyn is quite a pricy area in Tonyrefail. The tenants who would move into these ridiculously tiny 16 bedroom flats will be people who are at the lower rungs of society. It would only take one bad egg moving into this area to see opportunities to rob or cause damage in an area populated by older and better off residents.
- Band A on the housing waiting list are the most vulnerable, troubled and troublesome members of the community. To move them onto this street would cause a variety of drug and alcohol related issues that police are unable to deal with due to the sheer volume of disruption in the community.
- Concerns that the development would be similar to Glyndwr Court in Pentre, comprising 8 self-contained flats originally intended for a variety of individuals with a diverse range of needs. However, as some of the young people struggled with drug and alcohol abuse, the flats became unsafe for others, and very soon the flats were all occupied by addicts of some kind.

Procedural issues

- No prior consultation was undertaken by the developer.
- Not all homeowners in close proximity to the proposals, or in the west of Bryn Rhedyn who will be affected as the road is a cul-de-sac, were issued with a copy of the consultation letter.
- The applicant is seeking to exclude the area where the trees are from their interpretation of the site area, despite the fact that it will be purchased in the land transaction. Accordingly, a full tree survey should be provided before RCTCBC can determine their position on the application.
- The aerial view has been marked up to include land not in the ownership of the vendor of the site, and land that is not being sold to the developer. Notably that land to the south east between the retaining wall and the Co-op superstore. This is currently an amenity to the community and is used as an area for dog walking, accessible even in poor weather conditions.
- We request a site visit by any Committee constituted to consider the application.
- We received our letter dated 27th April but the plans were drawn up a month before this. How come it took so long to send the letter as this doesn't give us much time to put our views across?

Other non-planning matters

- Residents have worked hard in their professions to pay for their houses to live in a quiet cul-de-sac and do not want the development at the bottom of the street causing mayhem and devaluing houses.
- During construction there will be noise and obstruction in an already busy narrow street.
- We have no objection to houses being built in a nice cul-de-sac but not a block of flats.
- The design and layouts of the apartments are very small. I would rather see a smaller number of houses or at the very least two bedroom apartments that

could house small families, which would be more in keeping with the surrounding area.

- Social Housing opens up further question as to the calibre or social status of those who might fill these flats from another Valley. That they cannot be housed where they are from leads to more questions about the type of person. Tonyrefail does not need more unemployed people or possible criminals.
- The plans are inaccurate.
- This is greed over need to line property developers pockets and officials who do not live in the area and will then have to deal with the building once it is built.
- There are factual errors within the Developer's planning statement relating to the site location.
- There is an abundance of existing boarded up properties throughout the Rhondda which would be more suitable than the proposed site. The land in question, could be used to develop individual properties to help ease the burden of the housing shortage.

A formal reconsultation was undertaken on receipt of the revised plans. In addition, the case officer emailed copies of the revised plans to 48 email contacts clarifying that all of the objections and comments already received, including the petition, would still be taken into account, so there was no need to resubmit them unless they wished to comment on the revisions. A further two letters were received from residents stating that the revisions did not alter the reasons for their objections.

CONSULTATION

Highways and Transportation

No objection subject to conditions.

Drainage

There are areas of low, medium and high surface water flood risk on the north and east of the site.

Given the total construction area is greater than 100m² the developer would be required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) and the development would also be required to comply with Part H of the Building Regulations.

Regarding the requirements of the Lead Local Flood Authority, sufficient detail has been provided to satisfy the requirements of Section 8.3 of Technical Advice Note 15. Therefore, there are no objections or recommended conditions.

Public Health and Protection

Conditions relating to construction noise, dust, waste and hours of operation are recommended. In addition, a condition requiring a site investigation for contamination would be required.

Natural Resources Wales

NRW continues to have concerns with the application as submitted but is satisfied that these concerns can be overcome with a condition for a Construction Environmental Management Plan (CEMP) to prevent pollution to the Nant Cae'rgwerlas watercourse.

Dwr Cymru Welsh Water

DCWW has reviewed the information submitted as part of this application and notes that the intention is to drain foul water to the public sewer and surface water to the nearby watercourse. There is no objection in principle to this proposal subject to the inclusion of a condition to prevent surface water or land drainage being connected to the public sewer.

Western Power Distribution

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

South Wales Fire and Rescue Service

The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to the current standing advice by the Fire Authority, which has been provided as an appendix for the benefit of the applicant.

Countryside – Ecologist

No objection subject to a condition for details of site lighting and nesting bird and bat roost enhancement measures.

The Coal Authority

On the basis that the area where the built development would be constructed falls outside the defined Development High Risk Area, the Coal Authority does not consider a Coal Mining Risk Assessment is necessary for this proposal and does not object to this planning application.

South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer.

South East Wales River Trust

The Trust has advised that during a recent river survey it was noted the foundations of the site entrance bridge over the Nant Caegwerlas were undermined and are likely to need repair. If and when such repairs are required, they should be designed and constructed in such a way as to allow the maximum fish passage through the site to and from the upper Nant Caegwerlas.

Although this bridge is not within the application 'red line' area and is not proposed as the access for the development, these comments have been passed to the Applicant's Agent for information.

Waste and Recycling

The bin collection point would have to be at the front of the development on the kerbside, in case of any access issues caused by parking opposite the site entrance.

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

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 LDP 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 lies within the settlement boundary for Tonyrefail.

Policy CS2 - sets out the strategy for the Southern Strategy Area (SSA) with an emphasis on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

Policy CS4 - identifies the housing requirement figure for the plan period.

Policy CS5 - identifies that there is a need to provide 1770 affordable housing units over the plan period.

Policy AW1 - outlines how the housing land requirement will be met, and includes the development of unallocated sites within the defined settlement boundaries.

Policy AW2 - ensures that development proposals are only supported when located in sustainable locations. Such locations would not unacceptably conflict with surrounding uses, have good access to key services by a range of sustainable transport options, and support the roles and functions of Key Settlements.

Policy AW4 - details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 - sets out the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

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

Policy AW8 - seeks to protect the natural environment from inappropriate development and that there would be no unacceptable impact upon the features of importance to landscape or nature conservation.

Policy AW10 - development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health would not be supported.

Policy SSA4 - indicates that residential development in the key settlement of Tonyrefail will be permitted where it supports and reinforces the role of the centre as a key settlement; is of a high standard of design and integrates positively with existing development; promotes the beneficial re-use of vacant and underused floor space; supports the provision of local services and promotes accessibility by a range of sustainable modes of transport.

Policy SSA11 - stipulates that residential development will only be permitted where the net residential density a minimum of 35 dwellings per hectare.

Policy SSA12 - provision of 20% affordable housing will be sought on sites of 5 units or more.

Policy SSA13 - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

Supplementary Planning Guidance

- Delivering Design and Placemaking
- Access, Circulation and Parking Requirements
- Planning Obligations
- Affordable Housing

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

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

- 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.
- Policy 9 – Resilient Ecological Networks – green infrastructure / ecology

SE Wales Policies

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

It is also considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also mostly 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.

However, due to the concerns in respect of the impact of the development on the amenity of neighbouring residents, as the report outlines further below, it is considered that the application has not sufficiently demonstrated community well-being.

Other relevant national policy guidance consulted:

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

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;

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

The application property is located within the defined settlement boundary, in accordance with LDP Policies CS2 and SSA13.

Policy AW1 establishes the housing requirement over the LDP period, and notes that unallocated sites will contribute to the supply of new properties to help meet local need. Furthermore, the redevelopment of brownfield land is supported by Policy CS2, and PPW11 indicates a strong preference for the use of previously developed sites rather than greenfield locations.

The site is within 356m of the Tonyrefail retail centre, which has a number of services and facilities including a chemist, opticians, convenience stores, a newsagent, takeaways, hairdressers, a butcher, coffee shops and a public house.

The site is also close to a network of public rights of way, a bus route and adjacent to a proposed active travel route, which aims to improve connectivity within Tonyrefail and eventually form a continuous route to Tonypandy.

Consequently, it is considered that the development would support the role of Tonyrefail as a Key Settlement, as per Policy SSA4, and would meet the relevant criteria of Policy AW2, which define whether or not a location can be considered a sustainable one.

With regard to affordable housing, Policy SSA12 identifies that a 20% contribution will be sought on developments of over 5 units. However, since this scheme would be

constructed for Newydd Housing Association and all units would be affordable and secured as such by a S106 agreement, this policy requirement would be easily met.

Likewise, Policy SSA11 stipulates that proposals for residential development will be permitted where the net residential density is a minimum of 35 dwellings per hectare. The site comprises an area of 0.172 hectares, giving a density of development well in excess of policy requirements at 94 dwellings per hectare.

Lastly, Policy AW11 requires that employment and retail units are marketed for 12 months for those express purposes. Since the last use was an employment one (Use Class B8), the applicant would need to provide evidence that the property has been marketed consecutively for a twelve-month period.

The DAS accompanying the application states that “the site has been marketed in excess of 12 months and no interest has been shown for continuation of employment use”. In addition, evidence of marketing was apparent by the presence on site of a Property Agents board in April 2022. The same boards can be seen in Google Street View images dated July 2021.

In light of the above, it is considered that the principle of residential development is acceptable.

Impact on the character and appearance of the area

The new apartment building would be constructed in a similar position on site to that of the warehouse it seeks to replace, albeit that it would be set 2.2m further away from the north-eastern site boundary and 6m further from the south-western boundary with Bryn Rhedyn.

The footprint of the building would be slightly larger than the old one, with an increase in depth and width of 1.6m and 2.1m respectively and the initial submission included a pitched roof with an increase in ridge height of 1m. In general terms therefore, the difference between the form and massing of the new and old buildings, with regard to the scale of the site, was not considered to be particularly significant.

However, concerns were raised with the Applicant’s Agent about the plans submitted both at the pre-app stage and the current application. In particular, there was a concern about regimented design, unvaried roofline and the squat appearance of the building, due to the depth of the side elevations, as well as issues regarding the external parts of the site.

Consequently, as the preceding Application Details section explains, the Agent was contacted to highlight various matters, including the following:

- There was a sense that the development would see one big shed replaced by another, with limited design detail and visual interest.

- The boundary treatment along the south-eastern boundary was unattractive and would create a feeling that the development was insular, which would prevent integration into the community or street scene.
- Access to the outside space seemed to be limited, with no easy way for future residents to enjoy outside space, or any defined area for them to sit outside and congregate.
- The single aspect flats facing north-east towards Penrhiwfer Road would not receive direct sunlight and could be affected further by shading caused by the large trees on the adjoining land.

Details were also requested for the combined bin/cycle store, soft and hard landscaping, site lighting and a north-west/south-east section to include the property at 19 Bryn Rhedyn.

Subsequently, these additional details accompanied the revised elevation drawings and floor plans and were subject to a second formal consultation. The changes to the elevations, intended to address the bullet points above, resulted in the addition of bay sections, with gable sections above to create interest and give vertical emphasis to the front and rear, with some full height glazing, including Juliet balconies to the first floor.

The design of the south-east facing side elevation was also amended to create a staggered appearance, for the purpose of breaking up the depth of the elevation and to add some visual interest.

Furthermore, the updated site layout plan showed that the open area to the south of the site, opposite the vehicle entrance to the Co-op store would be left open and instead of a 1.8m close boarded fence immediately adjacent to the footpath there would be a 1m high bow-topped powder coated fence. These revised details are considered to be an acceptable improvement to the previous plans and despite the landscaping plan not being particularly detailed, such matters can be addressed with the use of planning conditions.

Since then, further revised elevation drawings and cross sections have been submitted, as the description of development reflects. These revisions, which attempt to address neighbour amenity concerns, are considered in the following section of the report and would result in the introduction of a largely flat and hipped roof. This means that compared to the ridge of the current warehouse building, the flat roof of the new would be 0.54m lower.

Concerns still remain about the approach to the development and the provision of the flats in a single large building, via a communal entrance. The Agent advised that this was due to the viability of developing the site and the need to provide 16 units. Nonetheless, a different design, perhaps incorporating a small group of buildings with flats having their own entrances, might have been preferred and would have resulted in a development with less of a corporate or institutional feel. There is also a concern

about whether a large flat roof would look incongruous, especially in the absence of a parapet around its perimeter, albeit that massing would be reduced.

In respect of how the development would sit within the wider community, several of the objectors have also highlighted that the single, large building does not reflect the settlement pattern in this part of Tonyrefail. Notwithstanding the comments in the preceding paragraphs, it would perhaps be more difficult to sustain this as a planning objection since the locality is not part of a conservation area designation or defined character area.

Historic mapping also demonstrates that the Coop site accommodated a large building long before the houses were constructed at Bryn Rhedyn, in addition to the mass of the former WR Bishop Warehouse. Therefore, for a long period the local character has comprised a mix of commercial and residential buildings of various eras.

The development as proposed would clearly result in an improvement to the current appearance of the site and being of a residential nature, would be more relatable to the surrounding dwellings at Bryn Rhedyn and at Penrhiwfer Road.

However, whilst just being an improvement over the status quo is not sufficient planning justification to recommend a development for approval, taking into account the site context and the foregoing matters it is considered, on balance, that the development would not be detrimental to the character and appearance of the site and surrounding area, and there are no objections in this regard.

Impact on neighbouring occupiers

There have been various objections from existing residents regarding matters of privacy, overshadowing and amenity, as well as concerns about public safety.

The development is proposed as an affordable housing scheme which, like the neighbouring properties around it, fall within Use Class C3. The application does not seek consent for any other form of residential use, such as secure accommodation or where an element of care would be provided.

The matter of tenure, whether a new property is to be owner-occupied or rented, regardless of the landlord or the background of any potential tenants, is not a material planning consideration and the development cannot be considered to be anything other than acceptable in terms of residential compatibility. In most other cases it might be considered that a residential land use would be preferred to the established industrial Use Class B8 and all the comings and goings that would have been associated with that B8 use.

Furthermore, the cross sections provided by the Applicant demonstrate that there would be a gap between the elevations of the flats and the properties on the opposite side of Bryn Rhedyn of at least 33m, and those at the opposite side of Penrhiwfer

Road of at least 24m. This easily meets the 21m rule of thumb distance which is used to ensure the privacy of residents is maintained where there are opposing elevations and would also mean that there would be no overshadowing of other habitable rooms or gardens.

Similarly, the provided lighting arrangements for the site, together with their positions, angle of direction and illumination spill show that the lighting of the external areas of the development would be no more intrusive than the street lights within the adopted highway.

Nonetheless, despite the considerations above, the relationship between the development and the neighbouring dwelling immediately to the north-west, no.19 Bryn Rhedyn, would not be so satisfactory. Section drawing CC shows that there would be 13.76m between the front elevation of no.19, which contains several windows to habitable rooms - including lounge, dining room and bedrooms - and the side elevation of the proposed flats.

Usually, where there is around 11-12m between a front or rear elevation of a neighbouring property and the side elevation of a new development this, depending on the context of the site and any other material matters, may be considered satisfactory. It is also noted that the side elevation of the flats would be about 2.2m further away from no.19 than that of the warehouse

However, in this case, the side elevation opposing the front elevation of no.19 would not be that of a single dwelling, or even a couple of dwellings with a good gap in between, but one continuous two storey wall to a depth of 17m. This is greater than the width of the front elevation of no.19.

So, whilst it is recognised that no.19 currently looks out towards the side elevation of the warehouse, this relationship has been worsened by the increase in depth of the proposed development, and by the north-easterly shift of its footprint of 6.6m, in order to accommodate the car park and access from the south-western side.

It is also likely that the roof of the combined cycle and bin store, which would be erected on the side elevation of the flats, would be apparent from the ground floor windows of no. 19. This would not have the same direct amenity impact as the elevation itself but would add unhelpfully to the perception of closeness.

The latest iteration of the elevation drawings, referenced further above, are better in that the gable end of the development facing no.19 would be lower in height and being hipped, would slope away towards the ridge of the flat roof.

Nevertheless, the revision does not address the main amenity concern since the habitable ground and first floor rooms of no.19 would still face a two-storey wall. Although it is appreciated that the roof amendments mean that more sky would be visible and there might be glimpses beyond either side of the new building this would

be of greatest benefit from a position close to the windows of the aforementioned rooms. The outlook from a position further back into the room would be unchanged.

In any event, the situation relating to outlook from the windows on the Penrhiwfer Road side of no.19 would still be worse than the current situation because of the previously highlighted 6.6m footprint shift.

LDP Policy AW5 requires development proposals to ensure that there would be no significant impact on the amenities of neighbouring occupiers. However, due to the position and massing of the side elevation of the new building it is considered that this would dominate the outlook from no.19 Bryn Rhedyn, create a harmful sense of enclosure to the detriment of its residents and exacerbate what is already a poor built relationship between no.19 and the extant warehouse.

Therefore, and again on balance, in terms of the impact on the amenity and privacy of neighbouring residents, particularly in respect of the property known as 19 Bryn Rhedyn, the application is considered to be unacceptable.

Access and highway safety

The Council's Highways and Transportation Section has reviewed the application and provided the following assessment:

Proposed Primary Access

The new vehicular / pedestrian access to the site is proposed to be from Bryn Rhedyn which is an adopted residential cul-de-sac with a carriageway width of 5.5m with 2m wide footways on both sides, which is acceptable for safe vehicular and pedestrian movement.

The proposed access point would require the relocation of an existing street lighting column. The applicant will be required to relocate this at their own cost in a position to be agreed by the Council's street lighting department.

The new access would require:

- A width of 6m
- 4.5m radii as a minimum
- Visibility achievable at 2m x 25m in both directions in accordance with Manual for Streets for a 20mph speed limit
- Dropped crossing with tactile paving

Transport Statement

The Transport Statement indicates 85th percentile speeds of 20.6mph southbound and 20.4mph northbound. The average daily trips recorded for Bryn Rhedyn are 128 southbound and 136 northbound.

Vision Splays

The vision splay requirement for a 30mph speed limit area in accordance with Manual for Streets is 2.4m x 40m.

However, since the applicant has submitted a speed survey indicating 85th percentile speeds of 20.6mph, which would require vision splays of 2.4m x 25m, this can be achieved within the existing highway limits and is acceptable.

The proposed new access is a substantial betterment to the existing access from the site which is directly onto the B4278 Penrhiwfer Road and has sub-standard visibility splays at the junction of 2.4m x 7m left and 2.4m x 17m right, which is of significant concern. There is also a lack of suitable segregated footway facilities for the existing access to serve a residential use.

Swept Path

Swept path analysis contained within the Transport Statement indicates that service and delivery vehicles can access / egress the site safely, using the car park aisle width as a turning facility, which is acceptable.

Existing Culverted Access Point.

The existing Penrhiwfer Road access referred to above, crosses the culverted watercourse. Without a comprehensive assessment of the existing culvert it is not anticipated that the private structure would withstand the type of vehicular loading associated with residential use (bin waste, fire tender, large delivery vehicles etc).

Parking

In accordance with the Council's SPG documents for Access, Circulation & Parking and Flats, the proposed 16 x one-bed apartments would require 16 x off-street car parking spaces for residents and 3 visitor spaces. The proposed car park provides for 17 x off-street spaces.

Considering the sustainable location close to public transport and the retail area of Tonyrefail, with the potential for short term visitor parking to take place on street, the proposed car parking provision is acceptable.

Cycle Parking

The proposed development provides for 16no. secure cycle stands to promote sustainable modes of transport and mitigate the reliance on private motor vehicle as the primary mode of transport.

Travel Plan

Contained within the Transport Statement is a residential travel plan indicating information relating to sustainable modes of transport and local facilities to reduce reliance on the private motor vehicle as the primary mode of transport which is acceptable. A condition is recommended in this regard.

Conclusion.

The proposed development would result in the closing up of the existing sub-standard access off Penrhiwfer Road and providing for primary access from Bryn Rhedyn which is acceptable for safe vehicular and pedestrian movement. Parking provision would be provided in accordance with the Council's SPG Access, Circulation & Parking.

The development would therefore be considered acceptable subject to a number of highway related conditions.

Ecology

The Spectrum Ecology bat survey, dated August 2021, has been reviewed for this site. It is still recent enough to be acceptable and includes a building inspection and a dawn emergence survey.

The report concludes that there was no bat roost use of the building and no nesting bird use. The Council's Ecologist considered that survey effort is adequate, the conclusions justifiable and no further survey work is required.

However, the report identifies a precautionary bat method statement and requirement for control of site lighting in Section 5.0, and nesting bird and bat roost enhancement in 4.2, both of which should be conditioned for the submission of details for approval, if planning permission is granted.

Other matters

The public consultation highlighted a number of other concerns, which are set out below.

DQR Standards

As an affordable housing development, the proposed development would be dependent upon Social Housing Grant. In order to receive those funds, the space

standards set out by the Welsh Government's Development Quality Requirements would have to be met.

A query was raised about the floor space of the flats. However, it is understood that the minimum standard of 50m² can be relaxed if the plans showing the flat layout can demonstrate that minimum furniture requirements can be accommodated and internal circulation space is acceptable.

In any event, it is considered that whether or not a development is DQR compliant is a matter for the developer to demonstrate to Welsh Government, or risk losing funding.

Infrastructure and local services

Concerns relating to local infrastructure in the Tonyrefail area were highlighted, including healthcare, school, water and sewerage facilities and so forth. In this regard, no objections were received from any of the statutory consultees, including the South Wales Fire and Rescue Service and South Wales Police.

The issues relating to waiting lists for hospital treatment, or GP and dentistry capacity for example, are common across the UK, and are regularly subject to press coverage. In addition, consultation on the LDP was undertaken on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units, whereas the number delivered has been far lower at 7192. This scheme of 16 flats is a very small proportion of that larger housing requirement.

Need for the development

The Council's Housing Strategy Team has advised that this social rented scheme has been designed by Newydd HA, in dialogue with them, to help address the need for additional affordable housing within Tonyrefail, and that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

Procedural matters

In this case the application does not constitute 'Major Development' and no prior community consultation was required to be undertaken by the developer.

The application was advertised in accordance with the requirements of the Development Management Procedure (Wales) Order. The application was received by the LPA on 25th April 2022 and the first consultation letters were sent on 27th April. The date that the Applicant's plans were drawn is of no material relevance.

The area to the north-east between the application site and Penrhiwfer Road does not fall within the red line area of the plan and would not be required to undertake the development. Therefore, a tree survey is not required and the status of this land is not a planning matter.

Land to the south-east of the site, which is included as part of the development and outlined as part of the external amenity space and landscaping scheme, is not within the ownership of the applicant.

However, as the description of the development notes, the correct ownership certificate has been completed and a copy of the relevant press notice has been provided to the LPA. Any future issues, in respect of whether the development could be carried out in accordance with the submitted plans, were Members inclined to recommend approval, is therefore not germane.

National Sustainable Placemaking Outcomes

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

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

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

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to relate in particular to the following aspects of the national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for this edge of centre location and as a social housing scheme would contribute to the affordable housing requirement within the Northern Strategy Area.
- **Making Best Use of Resources:** The development accords with the local and national policy aims to prioritise the use of previously developed land and buildings.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs.
- **Maximising Environmental Protection:** The development would be expected to include a condition for biodiversity enhancement measures with regard to bats and nesting birds
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to a bus route and services and facilities located within walking distance in Tonyrefail town centre. It would therefore not

be car dependent. However, due to the amenity issues outlined further above, the development would not ensure the well-being of all residents.

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

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. The application lies within Zone 2 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £40m² for residential development.

The CIL (including indexation) for this development is expected to be £ 29,757.32.

However, social housing relief may be claimed on the social housing element of the development.

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.

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

on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the proposed development, on behalf of the Newydd Housing Association, would provide 100% affordable housing for social rent.

Therefore, a S106 agreement would 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

As the preceding sections of the report note, it is considered that the proposed development and residential land use would, in principle, be acceptable.

Furthermore, whilst there are concerns regarding the form and layout of the flats, its relationship with the surrounding street scene and thus its impact on the character and appearance of the locality would not be considered to be a detrimental one, and no other concerns were raised by statutory consultees, particularly with regard to access and highway safety.

However, the proximity of the north-western side elevation of the development to the nearest neighbouring property would be harmful to residential outlook and amenity, and therefore the development could not be considered to be in accordance with LDP Policy AW5.

RECOMMENDATION: REFUSE FOR THE FOLLOWING REASON:

1. By virtue of its scale, massing and siting, the development would unacceptably dominate the outlook from the habitable rooms within the south-west facing elevation of no.19 Bryn Rhedyn. Its looming presence and proximity would therefore have a significant detrimental impact on the amenity of neighbouring residents, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.