

PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1374/10 (GH)
APPLICANT: Newydd Housing Association
DEVELOPMENT: Affordable housing scheme of 17 dwellings, to include demolition of existing buildings and provision of parking, access, drainage, hard and soft landscaping (revised plans, to amend levels, received 10th January 2023, Updated Ecology Survey received 17th January 2023, revised Geotechnical and Geoenvironmental Report received 26th January 2023, Additional cross section drawing received 1st February 2023)
LOCATION: LAND TO THE REAR OF 68 - 72, HIGH STREET, TONYREFAIL, CF39 8PL
DATE REGISTERED: 25/11/2022
ELECTORAL DIVISION: Tonyrefail East

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT:

REASONS:

The development would make an appropriate and sympathetic use of a redundant, unallocated and previously developed site which occupies a sustainable location close towards the centre of Tonyrefail.

In addition to its contribution towards affordable housing stock, the design and density of the development is acceptable and its layout would neither be considered to cause detriment to the occupiers of the surrounding residential development, nor harm to highway safety.

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 for the construction of 17 dwellings and associated works on land to the rear of 68 – 72 High Street, Tonyrefail.

The development would provide 100% affordable housing comprising the following mix of accommodation:

- 10 x one-bedroom flats
- 4 x two-bedroom flats
- 1 x two-bed bungalow
- 2 x two-bed houses

It is proposed that the access to the development from High Street would be located in a similar position to the existing with an adoptable section of highway and turning head, and a section of private shared drive. Seventeen off-street parking spaces would be created and a covered cycle store, with space for eighteen bikes, for residents of the flats.

All properties would benefit from rear amenity space, communal in the case of the flats, together with identified bin storage areas and drying space. A communal garden, with sitting area, would also be laid out at the front of the site.

In terms of sustainability the submitted plans indicate that all properties would have air source heat pumps and roof-mounted solar PV panels. The requirement for the development to be SAB compliant means that the landscaping scheme includes five rain gardens enclosed by dwarf walls and an attenuation pond in the southernmost corner.

The design of the properties, none of which exceed two storeys, is conventional, with elevations of grey or buff face brickwork enclosed by twin-pitch roofs of fibre-cement slates. The entrances to the flats are 'walk-up' rather than communal and a number of the dwellings are identified for the installation of bat and bird boxes.

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

- Transport Statement
- Travel Plan
- Drainage Strategy
- Flood Consequences Assessment
- Site Investigation Report
- Arboricultural Report
- Ecological Survey
- Landscape Strategy
- Planning, Design and Access Statement

As noted in the description of development, additional or revised information was received as a result of feedback received during the consultation process.

SITE APPRAISAL

The application site comprises a large previously developed piece of land, located within the settlement boundary towards the centre of Tonyrefail. It is accessed directly from High Street, where there is a mix of residential and commercial land uses.

The land is of an irregular U-shaped form, due to the position of numbers 68 and 78 High Street not being within the red line boundary, and which measures a surface area of approximately 0.30 hectares.

The site consists of a former motor repair business, which includes a building, large extent of hardstanding and some grass/scrub to its southern part. The site also accommodates a disused building attached to the rear of 72 High Street, formerly operating, it is understood, as a discount warehouse business.

PLANNING HISTORY

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

22/5055/41: Pre-application advice. Decision: 22/07/2022, Raise No Objections

PUBLICITY

The application has been advertised by direct notification to thirty-one neighbouring properties and notices were displayed on site. A second neighbour reconsultation was undertaken on receipt of the revised plans and details set out in the description of development.

Six letters of objection or representation have been received raising the following matters:

Amenity

- The development will overlook the rear of several properties in Parkland Road and impinge on privacy. It will severely interfere with and impact upon ours and others' right to freely enjoy the occupation of their land and therefore cause a legal nuisance for which the Council will be liable.
- The application site is approximately ten feet higher than my home at the moment and if you allow blocks of flats to be built there, they will be looking down into the back of my home where my back bedroom and bathroom windows will be in view, and not just my home but the people next door to me as well.

Surface Water

- I already have a problem with water coming down the bank from that property into next door and then into my property when we have heavy rain. This water comes through the backs of numbers 27, 25 and 23 and runs down our drives. With building work going on and more hard surfaces probably going in that's going to make it worse.
- The application site causes considerable flooding to our properties situated below. I have raised this concern with the current landowner and Council many times over the years but nothing has been done. I am now worried that disturbance of this land will alter water courses and exaggerate the flooding problems we already have.
- I have endured problems with water coming from this land. It floods the garden at the rear of our properties and eventually runs down my and my neighbour's driveways like a river. It crosses the pavement at the front of my property and crosses the road to the house three doors down on the opposite side of the street. It is particularly bad at the moment with the current heavy rainfall and as I am disabled, I am constantly worried of slipping on the frost and ice and now the additional problem of algae.

Environment

- There is a considerable amount of Japanese Knotweed on site which, if disturbed, will spread and affect our house foundations.

Tenure

- Going by some of the flats already in the Tonyrefail area and the type of young undesirable people that are being put in them it seems to me that Tonyrefail is becoming a dumping ground for this type of thing by Welsh Government and the local Councils.
- We already experience a lot of anti-social behaviour due to the lane adjoining Parkland Road and High Street. We are concerned that the use of single bedroom flats and the type of residents likely to inhabit them will further enhance these problems. We have already suffered an increase in anti-social behaviour since the flats at Llys Tylcha Fawr were used to accommodate these type of residents.
- If the rumours I have heard are true then drug/ alcohol addicts may be the new tenants. We already have problems with those housed in flats behind Prichard Street and I witnessed drugs being exchanged at 10.30am right in the middle of the road outside my neighbour's house. The Police are constantly parked at these flats and should we have a similar situation at the rear of us we will be sandwiched between trouble spots.

Local Infrastructure

- Tonyrefail and the surrounding area does not have the infrastructure to support further housing at this time. The road traffic conditions are continuing to impact the local and wider community and the parking arrangements around High Street and Mill Street are poor.
- There is currently a lack of NHS support, there are no dentists taking on NHS patients and wait times now exceed 6 months for simple procedures. This is much the same for our GP practices which are continually under pressure and do not have the resource to add additional members of the community.

Other matters

- I remember the eye sore of the Springfield housing estate along with some of the less favourable tenants, if we should experience this then our properties will become less attractive and may even lose value.

In addition to the above a petition was presented to a meeting of Full Council on 28th September 2022, on behalf of the Tonyrefail East Resident's Association, prior to the planning application being submitted.

The petition contains 807 names objecting to the development. In addition to some of the issues mentioned above there was also concern about overdevelopment of a small parcel of land, which would not be in-keeping and is felt not to be needed. The petition also highlights significant highways issues relating to the existing volume of traffic, a blind spot and busy junction with a bus route.

CONSULTATION

Highways and Transportation

No objection subject to a range of conditions requiring the submission of details for approval, as set out further below.

Flood Risk Management

The applicant has outlined that surface water will be disposed of using SuDS. Within the application, the applicant also states that surface water will be re-directed away from the local DCWW combined sewer and would discharge to the local surface water highway culvert to the southeast of the site.

To demonstrate compliance with the requirements of Section 8.3 of PPW TAN 15, the applicant will need to provide evidence that the surface water highway culvert is of sufficient capacity to manage the discharge rate from the site via the proposed new connection and a condition is therefore recommended.

Public Health and Protection

Due to the findings of Geotechnical and Geoenvironmental Report, i.e., PCB contamination, the proposed coal seam investigation and potential for mine gases, it is recommended that standard contaminated land conditions, including advisories, are appended to any planning permission, although the desk study element can be dispensed with.

Natural Resources Wales

No objection, subject to a condition requiring the submission of a Construction Environment Management Plan and an informative note with regard to the need for an EPS Licence, due to the presence of bats.

Dwr Cymru Welsh Water

DCWW has no objection to the proposed development and for the foul flows generated to connect to the public sewer. Capacity is currently available in the water supply system to accommodate the development.

It is noted that the site is also crossed by a public sewer and no part of any building or sustainable drainage feature will be permitted within 3m either side of its centreline.

National Grid

A new connection or service alteration will require a separate application to the National Grid.

Countryside, Landscape and Ecology – Ecologist

The updated ecology survey adequately assesses and considers the ecological impacts of the proposal. There are small common pipistrelle bat roosts in buildings 1 and 2, and bat licences will be needed. Otherwise, ecological impacts do appear to be mitigable.

A condition for details of all recommendation and mitigation measures identified in Section 7 of the report will be required, as it will for biodiversity enhancement in the form of bird nesting bricks in the new builds.

Japanese Knotweed is also identified as a concern, and an eradication condition would perhaps be advisable.

The Coal Authority

The Coal Authority concurs with the recommendations of the Geotechnical and Geoenvironmental Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible

remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development conditions are recommended to be appended to any planning permission.

South Wales Police

South Wales Police has had continuous involvement with the Architect for this development and are happy that any changes discussed in relation to Secured by Design, have now been met. Therefore, South Wales Police has no objection to the proposed development.

Waste and Recycling

Bin collection points must be at the kerbside.

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 and 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, flooding, contamination or other such identified risks 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 is 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

- Design and Placemaking
- Access, Circulation and Parking Requirements

- Affordable Housing
- Planning Obligations
- Nature Conservation
- 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 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:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys

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

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 site is located in the LDP Southern Strategy Area, on land to the south of High Street, Tonyrefail. The site is within the defined settlement boundary where LDP Policy SSA13 presumes in favour of residential development, subject to a number of criteria.

In addition, the development of unallocated sites within the defined settlement boundary is supported by Policies AW1 and AW2, the former recognising that the delivery of new housing will be met, in part, by the development of windfall sites

Policy CS1 supports the reuse of under used and previously developed land and buildings and the proposal also complies with national guidance, noting that PPW11 promotes the redevelopment of previously used land in preference to Greenfield sites.

Since the site is both within the settlement boundary and a short walking distance from a range of services and facilities within the retail centre of Tonyrefail to the west, the development would accord with Policy SSA4 as it would support and reinforce the role of the centre as a key settlement.

With regard to the above, recognising that the site would also be accessible by sustainable transport modes including bus, foot and bicycle, it could be considered to be a sustainable location, as set out by the criteria of Policy AW2.

The minimum net residential density permitted by Policy SSA11 is 35 dwellings per hectare. The site is approximately 0.30 hectares, resulting in a net residential density of approximately 56 dwellings per hectare, which would be appropriate given its urban location.

Lastly, since the proposed development is for 100% affordable housing, this would exceed the requirements of Policy SSA12 which seeks the provision of 20% affordable housing on sites of 5 units or more. The Council's Housing Strategy team has also advised that the unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23.

In light of the above assessment, the principle of the development would be considered acceptable.

Impact on the character and appearance of the area

The proposed site layout plan shows how the new dwellings would be positioned in relation to the single point of access from High Street.

The site is quite constrained by both the location of the access, its unusual shape, a sewer easement and the southerly fall, so the arrangement proposed would appear to maximise the best and most efficient use of the land, without resulting in a sense of overdevelopment or excessive massing of structures.

Elevation drawings demonstrate that the dwellings would be no greater than two-storey and that the flats would have a walk up arrangement, which is preferable to a communal entrance. Also, the way they have been designed means that at first glance they would appear to be semi-detached or terraced houses, rather than flats.

It is considered that the development would therefore be of a suitable domestic scale and would assimilate better with the existing residential development. Although an objection was received that the development would be out of keeping, this part of Tonyrefail contains a wide variety of properties, including older Victorian terraces, as well as mid to late-20th century dwellings to the south and south-east.

A fair proportion of the site area would be retained as undeveloped space, including those communal areas to be landscaped with planting as part of the delivery of sustainable drainage around the site, which is useful for softening hard landscaping features.

Therefore, whilst the design of the properties is not particularly distinctive, for a small scale development on a constrained site it would be considered to create a pleasant immediate street scene and acceptable in terms of its overall visual appearance and impact on the character of the local area.

Impact on neighbouring occupiers

Although the site has become disused it is understood to have formerly accommodated a vehicle repair business on one part and a retail warehouse-type operation on the remaining part.

Compared with the residential development now proposed, it is considered that the new use would, in general, be preferable in terms of compatibility than the possibility of ongoing retail, motor trade or industrial uses; particularly those relating to the latter which could result in the generation of considerable noise and disturbance from frequent comings and goings, and the potential for other pollution.

However, whilst the proposed new dwellings and arrangement of the site would not, due to their position and orientation, be likely to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties, the consultation responses from neighbours indicated concerns about overlooking.

As the description of development and publicity section record, a second consultation was undertaken on the receipt of amended plans. Those amendments would result in a small increase, of no greater than 300mm to the finished floor levels of some properties.

In addition, updated sections were provided to include some of the surrounding dwellings both to the west and south of the site so that height and distance calculations could easily be referenced by neighbours.

Consequently, careful consideration has been given to the relationship between new and old buildings:

Plots 1 and 2 comprise one-bed flats. The building has been designed not to include any windows in its rear elevation, so there would be no views towards the rear of no's 33 or 35 Parklands Crescent, and only very skewed views towards the rear of no 37 in excess of 21m.

Plot 3 is a bungalow so the fencing around the plot would prevent any views from habitable rooms.

Plots 4 and 5 are two storey houses which are also set between 21m and 35m away from neighbouring houses to the south and south-west. They are also separated from the nearest existing properties by the area set aside for SuDS which would be maintained as green space and would provide a physical buffer.

Plots 6 to 13 comprise a terrace of one and two-bed flats, the rear elevations of which face south-east towards no's 37 to 43 Parklands Road. Whilst four of the windows of the first floor flats would serve bathrooms and be obscure glazed, there was some concern about the proximity of the other six windows which would serve habitable rooms, and which might enable intrusive views.

In this regard, the extra section drawing which was sought shows that that although there would be a height difference of around 4m between the ground level of the flats and no.39 Parkland Road, there would be approximately 25m between opposing elevations in this example. Nonetheless, although the distances between the flats and these properties is quite tight, since the number of openings in the flats is relatively low in number it is not considered that this would be sufficient to warrant a recommendation of refusal.

Plots 14 to 17 are one-bed flats located towards the north-western corner of the site, roughly where the retail outlet was located and would occupy ground lower than no.72 High Street (the former funeral parlour). This means that the flats on the first floor of no.72 would be above the eaves level of plots 14 to 17.

Lastly, consideration has been given to the Council's SPG for the Development of Flats. In terms of internal and external space the development, being funded by Social Housing Grant, must meet the standards within the Welsh Government's Development Quality Requirements. In general terms, all rooms would benefit from natural light and ventilation, with shared gardens, and access to drying and refuse facilities. The plans also include designated sitting out areas at the entrance to the site and adjacent to plot 6.

Subsequently, in terms of the impact on the amenity and privacy of existing neighbouring residents, on balance, the application is considered to be acceptable.

Access and highway safety

Access to the site – High Street

The applicant proposes that the site be accessed off High Street which provides continuous 2m wide footway links to the site and a 7.5m wide carriageway. High Street also provides parking restrictions on either side of the carriageway to prevent indiscriminate on-street parking.

There is an existing vehicular crossover which provides access to an unused garage and although no details of new carriageway construction have been submitted, they should be in accordance with the Council's standard details. The road markings indicated on drawing no. 2194-011 should also be provided in accordance with the Council's standard details.

There is a slight concern that the proposed site access is within approximately 21m of the road junction between High Street and St John's Road.

Traffic Regulation Order

There is an existing traffic regulation order to the front of the site in the form of double yellow lines. Therefore, the Developer must contact Traffic Services to apply for a Traffic Regulation Order at the junction between the site and High Street, the approximate cost of which would be £4,000.

Junction Radii

The proposed radii of the junction between the proposed and High Street would be 6m and would allow vehicles to safely access and egress the site.

Internal Layout

The proposed 5.5m carriageway width is suitable for two-way vehicle movement and the 2m wide footway would also be acceptable.

Swept path analysis has also been provided for larger vehicles which demonstrates they would be able to use the turning head by performing a 3-point turn, albeit that they would have to turn their steering wheel to full lock whilst stationary.

The bin storage area should be provided as close as possible to the highway which would be offered for adoption.

Car Parking

The proposals involve the demolition of the existing units on site and construction of housing units and associated facilities to comprise the following:

- 10 x 1 bed walk-up flats
- 4 x 2 bed walk up flats
- 1 x 2 bed bungalow
- 2 x 2 bed houses.

The Council's SPGs for Access, Circulation & Parking and the Development of Flats sets out that the proposed development would require the following off-street car parking provision:

SPGs	Maximum Car Parking Required
<i>10 x 1 bed walk-up flats</i>	10 spaces
<i>4 x 2 bed walk up flats</i>	8 spaces
<i>1 x 2 bed bungalow</i>	2 spaces
<i>2 x 2 bed houses</i>	4 spaces
<i>Visitors</i>	3 spaces
<i>Total 17 units</i>	27 spaces

The proposed development would be a total of 10 spaces short of the maximum standards, with only 17 provided. The submitted Transport Statement (TS) indicates that the proposed off-street parking would be unallocated. The 17 spaces equate to a minimum of 1 space per 1 and 2 bed unit with visitor spaces accommodated on street.

The TS indicates the sustainable location of the development which is located within easy walking distance of local facilities and public transport with bus stops located close by on High Street.

The aforementioned SPGs advise that off-street parking can be reduced, depending on the sustainable location of the proposed development, as there would be less reliance placed on the private motor vehicle. The Council's Highways and

Transportation Section also notes that residents of flats within social housing are less likely to own a private motor vehicle.

The 2011 Census data identifies that levels of car ownership are significantly lower in socially rented housing in the local Tonyrefail area, when compared to all other forms of tenure, with 55% owning no cars, 38% owning one car, and just 7% owning two or more cars.

The Census data therefore suggests that slightly less than half of the 17 proposed units at the site would be anticipated to have access to a car. Combined with the location of the site in terms of access to non-car modes of travel, and key local facilities, the proposed 17 parking provision would therefore be considered sufficient to accommodate both the resident and visitor parking requirements at the site, without causing overspill onto the surrounding highway network.

Cycle Storage

The Developer proposes 18 cycle stands which would promote sustainable modes of transport near National Cycle Network Route 4, along High Street, which is considered acceptable.

Trip Generation

The development would be anticipated to generate a total of 71 two-way vehicular trips over the weekday 12 hour period. During the typical weekday highway AM and PM peak hour periods (08:00 to 09:00 and 17:00 to 18:00), the proposed development would be anticipated to generate a total of just 8 and 7 two-way trips respectively. The peak hours in two-way trips anticipated at the proposed development would be between 08:00 to 09:00 and 15:00 to 16:00, with 8 trips each respectively.

The previous uses of the site would have generated a total of 38 two-way vehicular trips over the weekday 12 hour period. During the typical weekday highway AM and PM peak hour periods (08:00 to 09:00 and 17:00 to 18:00), the previous use would be anticipated to generate a total of 5 and 4 two-way trips respectively. The peak hours in two-way trips at this extant use would be anticipated between 08:00 to 09:00 and 12:00 to 13:00, with 5 trips each respectively.

The proposed change of use would be anticipated to result in a decrease of 18 two-way vehicular trips at the site over the 12 hour weekday period, which equates to approximately 1.5 fewer two-way trips per hour.

On this basis, it is concluded that the proposed development would be anticipated to have a favourable impact on traffic flows on the local highway network, in comparison to the established site uses.

Active Travel

PPW11 and the Active Travel (Wales) Act 2013 set out walking, cycling and public transport at the top of their hierarchy of sustainable modes of travel. As such it is a requirement that safe routes in communities are assessed and where required mitigation measures or contributions made to the Council for comprehensive improvements to cycle and pedestrian and well as public transport facilities to encourage sustainable modes of travel. Therefore, a condition is recommended for such an assessment.

Residential Travel Plan (RTP)

The proposal does not provide a travel plan framework to encourage sustainable modes of travel. Therefore, any future planning application should provide a residential travel plan accordingly to encourage sustainable modes of travel.

Summary

There is slight concern regarding the access being in close proximity to the road junction between High Street and St John's Road. However, taking into consideration low vehicles speeds and that the junction is approximately 21m away from the proposed access this wouldn't warrant a highway objection. In addition, as outlined above, the development would be expected to result in a reduction in the number of vehicles associated with previous, established land uses.

Ecology

NRW has advised that at its closest point the application site is approximately 68m from the Rhos Tonyrefail Site of Special Scientific Interest (SSSI), which is designated for its marshy grassland, acid flush, species-rich neutral grassland, acid grassland, wet heath and blanket mire, and for its population of marsh fritillary butterfly.

There is a Council-owned culvert that runs south from the development site and appears to link the proposed development site to the north western corner of the SSSI, which suggests that there is potential for indirect impacts via pollution or contamination from surface water run-off, particularly during the development stages.

However, NRW notes that this can be mitigated via the implementation of a Construction Environmental Management Plan (CEMP) and good pollution and silt management during the construction phase. The proposed SUDS system should mitigate any concerns when the development is complete and dwellings occupied. A condition is therefore recommended for this purpose.

In addition, the bat report submitted in support of the application ('Ecological Survey, Project: Land off High Street, Tonyrefail, Instructed by: Newydd Housing Ltd' Version 1 dated 27th July 2022 by Ecological Services Ltd) has identified that bats are present at the application site.

On the basis of this report, NRW does not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, and an informative note, advising the developer of the need to apply for a European Protected Species Licence, is required.

Other Matters

Matters highlighted by objectors relating to general highway issues and amenity have been considered within the preceding sections of the report. However, with regard to other matters of objection, these are set out below.

Infrastructure and local services

Members will be aware that concerns regarding a perceived lack of local infrastructure to support residential development, which might include healthcare, transport, school capacity, water and sewerage facilities and so on, are often and understandably raised by objectors and relate to applications not just in the Tonyrefail area but elsewhere within the County Borough.

Nonetheless, no objections were received from any of the statutory consultees, or matters raised that could not be dealt with by condition. Furthermore, consultation on the LDP was undertaken with strategic service providers and statutory undertakers on the basis of there being a total dwelling supply over the plan period of between 14,936 to 15,386 new units - to include windfall sites - whereas the number delivered to date has only been around half of that.

Tenure

Whilst there seems to be some concern about the potential future occupiers of the proposed dwellings, the development would provide affordable housing, in line with PPW TAN 2, which would be allocated on the basis of need and operated by a local Registered Social Landlord.

As a residential development, falling within with the scope of Use Class C3, no material weight should be given to the tenure of the development.

Japanese Knotweed

The Council's Ecologist has recognised that there is some history of complaints and/or concerns from neighbouring residents, regarding the presence of Japanese Knotweed on site.

It is understood that where complaints about invasive species relate to private land and neighbouring private properties, this is an issue which would normally be picked up by the Public Health Community Partnership Team.

However, since the whole redevelopment of the site has become the subject of this planning application, the presence of Japanese Knotweed is a material concern and as recommended by the Ecologist, a condition requiring a scheme for its eradication is suggested.

Surface Water

Neighbouring residents living along the part of the shared site boundary have reported longstanding problems with surface water draining from the site into their gardens and discharging onto the public highway. In this regard, photographs of a flooded garden were also supplied by way of confirmation.

Like the Japanese Knotweed issue referred to above, the drainage of surface water becomes a material planning matter and in addition to the proposed drainage condition, the development would also require SAB approval. Consequently, the developer would have to demonstrate that the site would be able to drain satisfactorily without causing issues on adjoining land.

Non-planning matters

- The impact of a development on property values and likelihood of resale is not germane to planning.
- Problems associated with other sites within Tonyrefail, which may neither be related to the type of development under consideration, nor the business of any applicant, are not a material consideration.

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 by decision makers 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 align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The density of the development would be acceptable and suitable for its urban location. The development would also contribute to the overall housing requirement within the Southern Strategy Area, particularly the high levels of unmet demand for affordable housing.
- **Facilitating Accessible and Healthy Environments:** The application site is accessible to local shops and services, both on foot and by cycling, and is also close to a bus route.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and would create local footfall which should enhance the viability and vitality of local settlements.
- **Maximising Environmental Protection:** The development would be subject to a range of conditions some of which relate to contamination, wildlife and habitat management, invasive species and drainage. The conditions to deal with the latter two issues would address longstanding concerns from neighbouring residents.
- **Making Best Use of Resources:** The proposal makes the best use of land by achieving 56 dwellings per hectare. The density is in accordance with the requirements of Welsh Government and the LDP to achieve a minimum of 35 dwellings per hectare, which represents an efficient use of land.

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 site 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 £49,508.79. However, social housing relief may be claimed on the social housing element of the development and therefore no CIL would be 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 S106) 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 Registered Social Landlord Newydd, would provide 100% affordable housing for social rent.

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

In addition, the S106 agreement will also need to secure a £10k recreation contribution for improvement to play facilities at Tyn-y-Bryn Park.

Conclusion

The application site is located within the settlement boundary and is surrounded by other existing residential properties. The principle of the development would therefore be acceptable and accord with Policies CS2, AW1, AW2, SSA4 and SSA13 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 and much needed additional affordable housing, of an appropriate size and tenure to meet local housing demand.

Subject to the range of conditions outlined below, it is considered that the development would be of an appropriate design and layout, could be accessed safely, and would not be harmful to the privacy and amenity of neighbouring occupiers.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT:

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:

- 2194-002 Rev A
- 2194-003
- 2194-004
- 2194-006
- 2194-007
- 2194-011 Rev O
- 2194-012 Rev G
- 2194-013 Rev E
- 2194-014 Rev D
- 2194-015
- 2194-020 Rev A
- 2194-021 Rev A
- 2194-022 Rev A
- 2194-023 Rev D
- 2194-024 Rev A
- JPW1919-001
- Landscape Strategy LA.1
- Planting Details LA.2
- Schedule and specification LA.3

and details and documents received on 22nd November 2022, 10th January 2023, 17th January 2023, 26th January 2023 and 1st February 2023 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence, including any works of site clearance, until details of a scheme of ecological mitigation and enhancement, including bird nesting bricks and measures identified within Section 7 of the Ecological Survey (Ecological Services Ltd., dated 5th January 2023), has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details prior to beneficial occupation of any dwelling and maintained as such in perpetuity.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall commence, including any works of site clearance, until details of a scheme for the eradication of Japanese Knotweed, together with an appropriate timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the protection of the natural environment in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the Local Planning Authority, which evidences compliance with the requirements of Section 8.3 of PPW Technical Advice Note 15.

The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and be retained in perpetuity.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until full engineering design and details of the road layout including sections; street lighting details and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
- a) the means of access into the site for all construction traffic,
 - b) the parking of vehicles of site operatives and visitors,
 - c) the management of vehicular and pedestrian traffic,
 - d) loading and unloading of plant and materials,
 - e) storage of plant and materials used in constructing the development,
 - f) wheel cleansing facilities,
 - g) the sheeting of lorries leaving the site.

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

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

8. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority, which should include:
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - Resource Management: details of fuel and chemical storage and containment.
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - A section to address silt pollution into the surface water line during construction phase, particularly during groundworks, as there is potential for pollution to the river Ely (as well as associated increased flood risk) via the surface water line.
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: In the interest of the protection of the environment during construction in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9.
 - i) No development shall commence until a scheme to deal with contamination has been submitted to 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.
 - (a) A site investigation shall be carried out by a competent person, to characterise the nature and extent of any contamination and its implications fully and effectively.
 - (b) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
 - ii) The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.
 - iii) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence, excluding the demolition of existing structures and site clearance, until:
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: In the interest of public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. A Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association (LARSOA) guidelines and shall be submitted to the Local Planning Authority for approval in writing. Any approved mitigation measures required shall be implemented prior to beneficial occupation of the first dwelling.

Reason: To promote highway safety, ensure reduction of road traffic and provide sustainable modes of travel, in accordance with Active Travel legislation, PPW11 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. Within two weeks of the occupation of each dwelling the Developer shall provide the occupier with a Travel Plan / Welcome Pack which should contain the following:

- a) Bus/Train Service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport.
- b) Park and Ride/Park and Share facilities and associated costs restrictions on use of such facilities.
- c) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure.
- d) Local and national cycle routes.

- e) Location of car sharing clubs.
- f) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel, in accordance with Active Travel legislation, PPW11 and Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 14. No surface water run-off from the proposed development shall discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

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

- 15. The parking spaces indicated on submitted drawing no. 2194-011 Rev O shall be constructed on site in permanent materials and remain for the purpose of vehicular parking only.

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

- 16. Before the development is brought into beneficial use the vision splays on entrance to site shall be laid out in accordance with drawing no 2194-011 Rev O.

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

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